



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

www.deq.state.va.us


W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Robert G. Burnley
Director

(804) 698-4000
1-800-592-5482

MEMORANDUM

TO: Regional Directors

FROM:  John M. Daniel, Jr., P.E., DEE
Director, Division of Air Program Coordination

SUBJECT: Memo Number 03-1002 – Permit Writer's Guide to Acid Rain Permitting

DATE: March 26, 2003

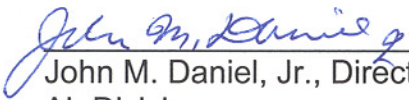
Copies: Bob Burnley, Air Permit Managers

REFERENCES: Code of Virginia, Applicable State and Federal Statutes and Regulations

The attached permit writer's guide was prepared by the staff of the Department of Environmental Quality, Air Division to aid air permitting staff in the Department's Regional Offices and prospective sources in carrying out permitting programs. The Guidelines interpret appropriate provisions of the Virginia Administrative Code (9 VAC 5-80-360 et seq.).

These Guidelines will be reviewed and updated periodically and by such staff as the Director of the Air Division assigns. Please provide all recommended changes to the Office of Air Permit Programs. The attached guidelines are final and effective as of the date of this transmittal.

APPROVED:


John M. Daniel, Jr., Director
Air Division

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Edited on Tuesday, March 23, 2004

This is the latest update to the Permit Writer's Guide to the Acid Rain Program. This document supersedes all earlier versions of this report to include the original issued on March 28, 2003.

This document has been formatted for printers set up to print on both sides of the paper.

Frank Burbank
804-698-4115

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DEPARTMENT OF ENVIRONMENTAL QUALITY

Division of Air Programs Coordination

Permit Writer's Guide to Acid Rain Permitting

Issued:
March 28, 2003

Amended:
November 7, 2003

Edited
March 23, 2004

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Introduction to the March 23, 2004 Edition

No significant errors have been noted since the November 2003 edition of this document. Editing has been limited to minor corrections in typing and grammar. No changes to the boilerplates or appendixes were made.

Frank Burbank
804-698-4115

Introduction to the November 7, 2003 Amendment

No significant errors have been noted since the August version of the document was published. Changes in this edition have been primary to expand on and provide clarification of some of the discussed issues.

A summary to the permitting guidance (Section 4.0) has been added to the document.

The appendixes have been updated to include the latest version of the Article 3 Federal Operating Permit boilerplate, dated October 24, 2003.

Frank Burbank
804-698-4115

Introduction to the August 25, 2003 Amendment

The primary purpose of this amendment is to correct some minor technical errors that have been pointed out in the document. The most common correction involves the renaming of the operating permits.

The operating permits previously referred to as the Title V and Acid Rain Operating Permits, have been renamed as the Article 1 Federal Operating Permit (FOP) and Article 3 Federal Operating Permit respectively.

State Operating Permits will now referred to as Article 5 State Operating Permits (SOP). The original acid rain permit format developed in 1996 for the initial permitting under Title IV will be called the Phase II Acid Rain Permit within this document.

When speaking about acid rain permits generically within the body of this document, the term Acid Rain Permit(s) will be used. This phrase can apply to either an Article 3 FOP, Article 5 SOP, a Phase II permit, or all three types of permits at once.

The appendixes have been updated to include the latest version of the Article 3 Federal Operating Permit boilerplate.

Frank Burbank
804-698-4115

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- Examples of Title IV Public Notices
- Phase II Acid Rain Permit Boilerplate
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Executive Summary

The OAPP's review of recent updates and additions to federal regulations and the Virginia Administrative Code (VAC) (Fall, 2002) has determined that changes are required in the VADEQ methods of handling Title V and Title IV operating permit applications. The purpose of this document is to provide the permit writers with a description of the Acid Rain permitting program that will handle these changes. This document will define what air emissions sources are covered by these regulations, what permit application documents are required, and how these documents are to be processed by the Regional Offices of the VADEQ.

The major change in permitting involves the development of the "*Article 3 Federal Operating Permit*" (known previously as the "Acid Rain Operating Permit"). As described in this guidance, the original Title V permit format (renamed the *Article 1 Federal Operating Permit*) has been modified to reflect VAC Article 3 Acid Rain regulatory citations rather than the Article 1 permit regulations. The format change also involves the permanent incorporation of the Title V and Title IV permit conditions (the latter also known as the Phase II permit) within a single document. Because of this incorporation, for some facilities the effective periods of one or both permit programs will have to be altered to allow the permits to run concurrently.

The format of this guidebook is designed to assist the VADEQ Regional Office permit writer. The order of subjects within this document will not necessarily follow the order of either the Virginia Administrative Code or the Code of Federal Regulations. The procedural steps have been arranged in the order that they need to be completed either for a new facility or a permit up for renewal.

In addition to the changes involving the permitting of acid rain sources, further impacts can be expected from the NO_x Budget Trading Program that came into effect on July 16, 2002. This program will require additional permitting for many of the same sources described in this manual, and will result in changes in their reporting and emission monitoring procedures. The impact of this new program will be discussed in the following recently published guides: ASOP – 11 "CEM Certification for the NO_x Budget Trading Program", ASOP - 4 "CEM Audits Evaluations", and the "Permit Writer's Guide to the NO_x Budget Trading Program". These documents can be located on DEQNET at the following addresses:

- [air/air_compliance/ASOP/](#)
- [air/air-permitting/Manuals/NOX_Trading_Manual](#)

The main references used in the creation of this manual have been the federal and state regulations. Other references used included the USEPA Acid Rain Permit Writer's Guide (1995) and USEPA Acid Rain Policy Manual (1999). The latest copy of the USEPA policy manual, acid rain permit applications, and other references can be found on the USEAP Clean Air Market Program web site at:

<http://www.epa.gov/airmarkt/forms/index.html#arp>

1.0 The Acid Rain Program

1.1 Purpose of the Acid Rain Program

1.1.1 The Title IV Acid Rain program was developed to cap and then reduce the amount of sulfur oxides and nitrogen oxides produced in the United States. The USEPA determined that these air emissions were primarily due to coal burning electrical generation utilities. For this reason, the Acid Rain regulations are restricted to electrical generation units (with one exception described in paragraph 1.2.7) that supply electricity to the public utility grids. While not the primary reason for the creation of the emission reduction programs, natural gas fired and oil burning electrical generation units have been included under these regulations.

1.1.2 The Acid Rain program has been in development by the USEPA for over 15-years. In Virginia the program came into effect on January 1, 1996, the application submission deadline for SO_x emitting *affected units* (9 VAC 5-80-430 C) operating at that time. The initial version of the VAC's Article 3 "Acid Rain Operating Permits" (9 VAC 5-80-360 et seq.) came into effect on October 15, 1996. This regulation called for all existing NO_x emission sources meeting the program specifications were required to submit a permit application by January 1, 1998. This guidance document is based on the latest available version of Article 3, updated on February 1, 2002.

1.1.3 The related acid rain emissions trading programs were developed to provide an economic incentive to existing facilities to reduce their acid rain emissions. They will also provide for construction of new facilities without increasing the total amount of pollutants emitted during the year. While Title IV permitting is primarily limited to electrical generation equipment, the SO_x and NO_x allowance trading programs include other large fossil fuel combustion sources. The sulfur oxides trading program (for Phase I sources) is a federally operated program and the VADEQ does not have any responsibilities in this area. Virginia's response to the NO_x SIP Call for a NO_x allowance-trading program came into effect on July 16, 2002. Details on VADEQ responsibilities for the NO_x SIP Call allowance-trading program are discussed in the guidance documents listed in the Executive Summary.

1.1.4 While Title IV permitting is a federally enforceable program, the individual states have been given the responsibility to supervise the permitting programs within their jurisdictions.

1.1.5 A result of the addition of the Article 3 regulations, the VADEQ will be combining the separate Title IV and Title V permits into a single document (the *Article 3 Federal Operating Permit*) as called for under Article 3, (9 VAC 5-80-360 et seq.). The schedule and administrative procedures for this process will be discussed later in this guidance.

1.2 Affected Units and Sources

1.2.1 The air emission sources regulated by the Acid Rain program are limited to a single category, electrical generation facilities. Regardless of their size or emissions no other air emission sources are to be considered (with one exception, see paragraph 1.2.7) under the Acid Rain program.

1.2.2 There are two basic definitions on which the regulations are centered. These are “*affected units*” and “*affected sources*”.

1.2.3 An “*affected unit*” is a single piece of fuel combustion equipment, that is an emission source for acid rain precursors, and that meets one of the equipment specifications listed below (9 VAC 5-80-370).

1.2.4 An “*affected source*” is the term used for the site or facility that has one or more *affected units* operating on it (9 VAC 5-80-370). The term “facility” is not used in the acid rain permit program.

1.2.5 The definition or physical requirements that a source must possess to be considered an “*affected unit*” (9 VAC 5-80-380 A) include:

- a. A PHASE I listed unit in Table 1 of 40 CFR 73.10(a)
- b. A PHASE II listed unit in Table 2 of 40 CFR 73.10(b)
- c. Or any other “*utility unit*”.

Virginia does not have any PHASE I units listed in Table 1, but has 34 *affected units* located at 9 *affected sources* listed as PHASE II units in Table 2 and an unnumbered table included in 40 CFR 73.10(b).

NOTE: Several references and application form instructions will refer to a Table 3 of 40 CFR 73.10(b). This table has been deleted from the recent editions of the federal register.

1.2.6 As defined by the CFR and VAC regulations (9 VAC 5-80-370), a *utility unit* is a fuel combustion source that is used to power an individual electrical generator that produces electricity for sale. Units that do not sell power to a grid or are co-generation units (steam and electricity) that sell less than one third of their potential electrical capacity to a grid (regardless of their size or fuel) are not considered *utility units*.

1.2.7 One other type of combustion source has been added to the *utility unit* definition (9 VAC 5-80-380 A), a “*solid-waste incinerator*” that uses fossil fuels (for this definition coal or oil but not natural gas). When at least 20% of the total annual heat capacity (measured in BTUs) consumed by the *solid-waste incinerator* over a three-year average (since 1990) is from these fossil fuels then the unit will fall under the Acid Rain program

and be considered a *utility unit* and therefore an *affected unit*. There is no minimum heat capacity or operating schedule limitations placed on the definition of this unit type within the regulations.

1.3 Non-Affected Units

1.3.1 Several types of equipment have been removed from the general definition of *affected units* as described in the Federal and State regulations (9 VAC 5-80-380 B). These *non-affected units* can include:

- a. Simple combustion turbines operating before Nov. 15, 1990. Simple combustion turbines built since this date either as new units or to replace “grandfathered” equipment can be considered *affected units*.
- b. Units that currently serve generator(s) with a maximum capacity less than 25 MWe and that were in operation before November 15, 1990.
- c. All non-*utility units* regardless of their fuel or size.
- d. New or Retired Units that are exempted under 40 CFR 72.7 or 7.8.

NOTE: The term “simple combustion turbine” is used in both the federal and state regulations. The phrase does not have the same meaning as “simple cycle turbine”. As per 9 VAC 5-80-370, a simple combustion turbine is a rotary engine driven by a gas produced from the combustion of any fuel. The term includes combined cycle units without auxiliary firing (duct burners). This term excludes combined cycle units with auxiliary firing unless they have not used the auxiliary firing equipment since November 15, 1990.

1.3.2 Within the Title IV regulations, the term “new unit” applies to any piece of equipment installed after November 15, 1990, an early deadline of the program. The purpose of this date was to provide a division between the different emission standards applied to existing equipment as Title IV was being developed.

1.4 Emission Standards

1.4.1 Federal regulations have set emission rate limitations for NO_x and SO_x emission sources. During the initial development of the Title IV program, lists of large coal burning *affected units* were prepared. These units were divided in PHASE I units issued by the USEPA and PHASE II units issued by the individual states {40 CFR 73.10(a) & (b)}, generally with the older plants assigned to the PHASE I list. The emission limitations applied to the PHASE I units are less strict than those standards set for the PHASE II units. There are no PHASE I units located in Virginia.

1.4.2 The emission limitations for PHASE II units are provided in 40 CFR 73 (Tables 1 and 2) and 40 CFR 76.5, 76.6, and 76.7. All *affected units* installed since November 15,

1990 are considered PHASE II units and the same emission rate standards are applied. Most Acid Rain facilities that will be constructed in the future will also have to consider their BACT requirements and New Source Performance standards as described in 40 CFR 60.

1.5 New Unit Exemptions

1.5.1 For an *affected source* that has a current acid rain permit, the owner can request a “*New Unit Exemption*” from Acid Rain permitting for individual *utility units* that they have on-site or plan to install on-site (9 VAC 5-80-390). If approved, the new unit would not be added to the existing Title IV permit, and its air emissions not counted towards calculating their annual emission allowances for the site. The application form for *New Unit Exemption* is provided in Appendix A. When possible, applications for *New Unit Exemptions* should be made 24-months prior to the schedule start up date of the equipment.

1.5.2 To avoid being defined as an *affected unit*, and therefore exempted from the acid rain program the *utility unit* must meet the following specifications:

1. It does not burn coal, or coal derived liquid or solid fuels. Coal derived gas is allowed if it meets the sulfur requirement of Item 3.
2. The maximum generating capacity of the unit must be 25 MWe or less.
3. The sulfur content of the fuel must be less than 0.05 percent by weight sulfur.

1.5.3 After a *New Unit Exemption* has been approved by the state, the effective date of the *exemption* will begin on January 1st of the year following the date the *exemption* was approved (9 VAC 5-80-390 C). The *exemption* will be valid for a maximum period of five years; afterwards the owner must apply for a renewal at least six months prior to its expiration on December 31st of the fifth year.

1.5.4 After the final *exemption* approval has been delivered to the *affected source*, the owner must maintain records on site throughout the term of the *exemption* (9 VAC 5-80-390 D) demonstrating their compliance with the *exemption*. These records will include the types and amounts of fuel purchased for the unit, the identity of the supplier, laboratory proof that the fuel is below the 0.05% by weight sulfur limit, and evidence to show that the generator(s) powered by the unit are below the 25 MWe capacity limit. All records will be maintained on site for at least the previous five years.

1.5.5 If the operation of the exempted unit changes so that it no longer meets the *New Unit Exemption* definition, then the *exemption* is consider void on the date of this change. It is the owner's responsibility to contact the regional office prior to the change in operation (24-months if possible) so that their Acid Rain Permit can be modified. If the owner is not sure that the operational change will affect their *exemption*, they can file a *petition* (Section 1.7) for a determination.

1.5.6 For existing facilities that are not required to be permitted under Title IV but had *utility units* installed after November 15, 1990, or plan to install *utility units* that can be exempted from Title IV permitting requirements, *New Unit Exemptions* documents will have to be completed. Prior to the submission of the exemptions for these non-permitted facilities, a *Designated Representative Registration* document (Section 2.1) will have to be submitted to Region III of the USEPA as required by 9 VAC 5-80-390 B.

1.6 Retired Unit Exemptions

1.6.1 *Affected sources* that plan to remove an *affected unit* listed in their Acid Rain Operating Permit can apply for a “*Retired Unit Exemption*” (9 VAC 5-80-400). The *Retired Unit Exemption* can be applied to units that are either completely removed from the site or simply shut down and left in place.

1.6.2 For units that are physically removed from the site and no longer exist, records demonstrating that the equipment was removed must be kept on site for five years after the date of removal. Afterwards, no further records are needed to support the *exemption*. This form of the *Retired Unit Exemption* does not need to be renewed.

1.6.3 For units that are shut down but are not removed from the site, records must be maintained on site for at least the five previous years (to the current date) demonstrating that the unit was not operated. After an *exemption* has been approved by the Regional Office, the effective date of the *exemption* will begin on January 1 of the year following the date the *exemption* was written (9 VAC 5-80-400 B). The *Retired Unit Exemption* for units not removed from the site will be valid for a maximum period of five years; afterwards the owner must renew the exemption 6-months prior to its expiration.

1.6.4 If the owner plans to return a *Retired Unit* to operation, the owner must submit a facility permit application including the information related to the retired unit, 24-months prior to the date the unit is scheduled to commence operation. This lead-time can be reduced at the discretion of the Regional Offices.

1.6.5 To obtain a *Retired Unit Exemption*, the *affected unit* can not emit any NO_x or SO_x at all (9 VAC 5-80-400 D). In theory the equipment can still operate if it does not produce any acid rain precursors. Since the subject of Title IV is fuel burning equipment there is little chance that an *affected unit* can be operated without even the possibility of acid rain emissions.

1.6.6 If an owner of a Title IV permitted *affected source* wishes to alter the operation of an existing *affected unit* so that he/she believes it no longer is an *affected unit*; they will apply for a *New Unit Exemption* rather than a *Retired Unit Exemption* to eliminate the unit from their acid rain permit.

1.7 Petitions

1.7.1 The term “Administrator” within the Virginia Acid Rain regulations refers to the Director of the USEPA. The owner/operator of any facility (regardless if it has an Acid Rain permit or not) has the right to directly *petition* the Administrator. The purpose of this *petition* is to request a formal decision on a question of Title IV applicability concerning the facility. An example of such a question could be whether their equipment meets the definition of an *affected unit* or *affected source* prior to submission of a permit application (9 VAC 5-80-380 C).

1.7.2 While the owner of a potential *affected source* certainly has the right to petition the Director of the USEPA directly, the authority to accept and respond to a *petition* has been given to the VADEQ Regional Offices and their representatives.

1.7.3 The information required to be included in the *petition* from the facility is listed in 40 CFR 72.21. The VADEQ Regional Office or USEPA Administrator must respond in writing to any “complete” *petition* within 10 business days.

1.8 Permitting Schedules

1.8.1 Initial permit applications and applications to modify an existing permit are due at least 24-months prior to the scheduled date for start up of the equipment (9 VAC 5-80-430 C). The USEPA Form 7610-16 (rev.10-01), Acid Rain Permit Application will represent a complete Acid Rain application.

1.8.2 The same form will be used for permit renewals, and will be due at least six months prior to the expiration of the permit (9 VAC 5-80-430 C). Both of these application lead-times can be altered at the discretion of the permit writer. The VADEQ representative reviewing any permit application document package has sixty days to determine if the application is technically complete (9 VAC 5-80-430 D).

1.9 Compliance and Averaging Plans

1.9.1 For all *affected sources* listed in Tables 1 and 2 of 40 CFR 73.10 applying for their initial Title IV permit or its renewal, a *Compliance Plan* must be included for each *affected unit* that meets the standards listed in 9 VAC 5-80-440 I and 9 VAC 5-80-450.

1.9.2 An optional document that can be completed for some Table 1 and 2 listed affected units is the *Averaging Plan* (9 VAC 5-80-440). Facility owners that control more than one *affected source* or *affected unit* are allowed within the Title IV regulations to “average” their emission and emission limitation standards applied to their various units. Further information on the requirements of these plans are provided in Sections 2.4 and 2.5.

1.10 NO_x Budget Trading Program

1.10.1 As mentioned in the Executive Summary, Virginia's NO_x Allowance Budget Trading program was promulgated on July 16, 2002. The authority and requirements of the trading program are listed in the Virginia Administrative Code under Chapter 140.

1.10.2 All Acid Rain *affected sources* as defined in this guidance will require permitting under the NO_x SIP Call. Full compliance with Chapter 140 by all affected sources in operation as of November 1, 2002 will be required no later than May 31, 2004.

2.0 Permit Application Documents

2.0.1 The application process for an acid rain permit is relatively simple. The primary goal is to register the facility and list its affected units with the USEPA. Afterward, the VADEQ will maintain records of the operating sources in Virginia for the AFS (previously known as AIRS) air quality database. The VADEQ has adopted the USEPA Title IV application forms to meet these goals. Copies of these documents and their completion instructions have been included in Appendix A. The following sections will summarize the purpose of these documents in the usual order of their completion.

2.0.2 In addition to the Acid Rain emission related applications, the facility will still require the submission of the Form 805 (and any required supporting documents) for their Title V emission requirements. Acid Rain affected sources will also need to apply for the NOx Budget Trading program. This information will be needed before the final Article 3 FOP can be issued. The submission of these other applications will usually be made separately from the Phase II related application.

2.0.3 The completion of the Title V related application documents is covered in other VADEQ references. The permit application process for the new NOx Budget Trading Program is covered in a separate permit writer's guide. This guidance document will limit itself to the acid rain application documentation and application process only.

2.1 Designated Representative

2.1.1 For a facility to be granted an Acid Rain permit the facility must have a *Designated Representative* registered with the USEPA. The *Designated Representative* must be a "natural" person; a company name or position's title will not be accepted by itself. All correspondence from the USEPA and the VADEQ will be addressed to this named individual.

2.1.2 The responsibilities of the *Designated Representative* are provided in 40 CFR 72.2 Subpart B and 9 VAC 5-80-430 G. The *Designated Representative* must be registered with the USEPA prior to the submission of all permitting documentation. Registration is completed using the Certificate of Representation form (EPA Form 7610-1 revision 4-98). As described in Step 4 of Form 7610-1 instructions, the facility will provide public notice of the naming of the *Designated Representative*.

2.1.3 The Virginia codes defining this position (9 VAC 5-80-370) describe the term "Responsible Official" used in the VAC as equivalent to *Designated Representative* for all *affected sources*. Both titles have identical responsibilities under Subpart B and the terms are used interchangeably in the Virginia Administration Code. The Responsible Official must be registered with the USEPA as the *Designated Representative*.

2.1.4 The *Designated Representative* is the person legally responsible for maintaining the compliance of the facility with Title IV regulations. While there is no set guidance on who can be named the *Designated Representative*, the individual named should fully

understand the operation of the *affected units* located on his/her site, and have the authority to make decisions affecting these operations.

2.1.5 One of the few areas that the Virginia and federal regulations differ concerns the *Designated Representative*. As described in the Introduction (Section 1.5), *New Unit Exemption* forms need to be completed for *utility unit* equipment even if it is not part of a permitted *Affected Source*. It is USEPA policy for facilities that do not require a Title IV permit and do not have a *Designated Representative*, that any qualified “certifying official” of the facility can complete the *New Unit Exemption* forms. However, as per 9 VAC 5-80-390 B, Virginia requires that only a *Designated Representative* registered with the USEPA can submit a *New Unit Exemption* form for any facility.

2.1.6 After completion of the Certificate of Representation form, the original of the document is to be sent directly to the USEPA’s Acid Rain Program division. The address for this office is provided on the Form 7610-1-instruction sheet. As described in the applications instructions, it is the owner’s responsibility to issue a formal public notice announcing their *Designated Representative* in a local newspaper or similar publication.

2.1.7 While not required by law, a copy of this form should be sent to the VADEQ Regional Office for their records. If required, it is the responsibility of the regional offices to confirm with the USEPA that the facility has completed registration of its *Designated Representative*.

2.1.8 There is no expiration date for the Certificate of Representation form. It is valid as long as all of the information included on the form remains unchanged. If a new *Designated Representative* has to be named, or if there is any change in the ownership of the facility, a new Certificate of Representation form must be submitted within 30-days after the change to maintain compliance. The facility is responsible for providing public notice of this change.

2.1.9 All facilities under Title IV must have an ORIS (for EGUs) or FACILITY Code (for non-EGUs) supplied by the Energy Information Administration (EIA). This information must be provided on the various application forms. To receive an ORIS / FACILITY code, the owner should go to the Energy Information Administration’s Internet home page at <http://www.eia.doe.gov/>. They will download the form and instructions for Form EIA-860, “Annual Electric Generator Report”. After completing the form as instructed they will send it by mail, FAX or email to the address provided. For any further questions regarding this document have the owner contact the EIA help telephone number that is provided at this web site.

2.1.10 It is the company’s responsibility to complete the *Designated Representative* certification form and send it directly to the Region III Acid Rain division. Since the company directly submits the document to the USEPA, the VADEQ has no need to formally respond to this document.

2.1.11 It is the responsibility of the VADEQ Regional Office to confirm that the *Designated Representative*, Facility Identification, and *Affected Unit* IDs listed in other Acid Rain permit documents match the information provided by the Certificate of Representation form. This information will be the basis for the *affected source* entries into the USEPA Acid Rain Database.

2.2 Petition to the Administrator

2.2.1 The purpose of a petition is to formally request a decision regarding the owner's compliance requirements (9 VAC 5-80-380 C) under Title IV. A company can petition directly to the Director of the USEPA (the "Administrator"). In practice, since the VADEQ has taken responsibility for managing the Acid Rain Program, petitions should be directed to the representative of the VADEQ Regional Office responsible for the county the source is located in.

2.2.2 The decision being requested can be on any subject within the Acid Rain Program. The petition must be in writing. Verbal communication does not meet the standard for a *Petition to the Administrator*.

2.2.3 The source submitting the *petition* does not have to be a permitted Acid Rain source. The VADEQ allows any responsible official of the company to submit a *petition*. A standard template for the format of a *petition* has not been developed by the USEPA. The *petition* should be formatted as a standard business letter, and submitted to the state on company letterhead. In general terms the information required to be included in the *petition* is listed in 40 CFR 72.6.

2.2.4 The VADEQ Regional Office representative must respond in writing to any "complete" *petition* within 10 business days. If the representative determines that the *petition* is not complete it is his/her responsibility to contact the petitioner as soon as possible and inform them what other information is needed.

2.2.5 The regional office representative's response to a *petition* must be in writing. The VADEQ Regional Office representative's decision is final and binding to both the petitioner and the State unless it can be shown that significant errors or omissions were present in the original *petition*.

2.2.6 The petitioner does have the right to appeal a decision. This appeal can be through normal VADEQ channels or directly to the Administrator of the USEPA Acid Rain Program (40 CFR 72.6). Appeals to the USEPA will follow the procedures outlined in 40 CFR 78.

2.3 Acid Rain Permit Application

2.3.1 As mentioned, the USEPA Form 7610-16 represents a complete Acid Rain application. This guidance will limit its description to Form 7610-16. Full instructions on

the completion of the related Form 805 and the NO_x Budget Permit Applications are available in the Title V and NO_x Budget Trading guidance documents.

2.3.2 Within the Acid Rain Permit application {EPA Form 7610-16 (rev.10-01)} there is relatively little information to be filled out by the applicant. The majority of the document is a description of the standards and administrative requirements that the *affected source's* owner will have to meet after the permit has been approved. These requirements include monitoring, record keeping, and maintaining enough emission trading allowances to allow the facility to continue operations. By signing this application the *Designated Representative* and the *affected source* state for the record that they have read and understand their responsibilities under this program and will maintain their facility's compliance with them. Some of the more important issues discussed include:

1. The facility will maintain the equipment and records needed to estimate acid rain emissions each year.
2. The facility will hold the necessary SO_x and NO_x allowances to operate.
3. The facility will submit an offset plan in the event that they have excess emissions during any given year.
4. The facility will maintain all records regarding Acid Rain for a minimum of five years.
5. Any persons making a false statement or not maintaining the affected unit's compliance with the Acid Rain Program can be held personally responsible and may be subject to criminal enforcement procedures.

2.3.3 In addition to permitting of new *affected sources*, this same form is used for permit renewals and modifications to existing permitted *affected sources*. In general modifications consist of the addition of new *affected unit(s)* to the plant site. Changes in equipment and operations that reduce emissions are not considered modifications. If changes in operations result in permitted *affected units* being shut down, or altered to the point where they do not any longer meet the definition of an *affected unit*, then the *Retired Unit Exemption form* is used (see Section 2.7). The removal of these units does not have to be noted on a "revised permit application" until the permit is due for renewal.

2.3.4 Permit applications for new *affected sources* are to be submitted 24-months prior to scheduled start up date of the operation. When new *affected units* are to be added to a permitted *affected source* a "revised" permit application is to be submitted 24-months prior to the start up of the new equipment. The lead times required by the regulations can be altered at the discretion of the permit writer on a case-by-case basis.

2.3.5 Permits are to be renewed by the submission of this application form at least 6-months prior to the expiration of the permit. Again, this time period can be reduced with the prior approval of the permit writer.

2.3.6 The expiration date of an active acid rain permit will not be affected when "revised" to include new *affected units*.

2.3.7 A NO_x Compliance Plan will be completed and submitted with all new and revised permit applications for Phase I and Phase II sources with coal fired boilers listed in Tables 1 and 2 of 40 CFR 73.10. (See Section 2.4) When applicable, a NO_x Averaging Plan will be included in the permit application package for these same sources.

2.3.8 When submitting a permit application for a proposed new *affected source*, *New Unit Exemption* documents should be included with the application for any *exempted affected units* that are a part of the project.

2.4 Phase II NO_x Compliance Plan

2.4.1 As described in 40 CFR 76.5, 76.6, and 76.7, NO_x emission limitations have been set for several types of coal-fired boilers. These limitations are in the form of NO_x emission rates set in “pounds per million BTU of heat input”. Owners of coal-fired boilers falling under one of the definitions will be required to complete a Phase II NO_x Compliance Plan to demonstrate how they will meet these limitations. Oil and Natural Gas fired units are never required to complete a Phase II NO_x Compliance Plan.

2.4.2 The Phase II NO_x Compliance Plan was developed for the initial Phase I and Phase II *affected units* as listed in Tables 1 and 2 of 40 CFR 73.10 for sulfur oxide allowances. These affected units are further subdivided into two groups. Group I (as defined in 40 CFR 76.9) emission sources are tangentially fired boilers or dry bottom wall-fired boilers. Group 2 consists of cell burner boilers, cyclone boilers, vertically fired boilers, or wet bottom boilers.

2.4.3 For coal-fired boilers not listed in the CFR tables, but matching the definitions of Group 1 or 2 type equipment, will also be required to submit a Phase II NO_x Compliance Plan. The Virginia regulations for NO_x emission limitations are covered in 9 VAC 5-80-450 A.2.

2.4.4 The Phase II NO_x Compliance Plan is completed using EPA Form 7610-28 (3-97). A copy of this form is included in Appendix A. For each Group 1 or 2 type boiler included in the permit one or more of the sixteen “options” will have to be checked off. At a minimum the “emission limitation” set for the individual type of boiler will have to be checked off (rows a through i). Other items that may be checked off on the form include;

- whether a NO_x Averaging Plan is to be included (Item j) with the permit application,
- whether the source will have an EPA approved early election under 40 CFR 78.8 (Items n, o, and p),
- and if more than one boiler shares a single stack, what method will be used to determine the maximum emission (Items k, l, and m).

2.4.5 The Phase II NO_x Compliance Plan is to be submitted by the owner at the same time as the permit application. The original document will be kept by the VADEQ regional office. A copy will be sent to the USEPA address supplied in the form's instructions by the VADEQ Regional Office. The emission limitations listed on the form will be the basis of the NO_x emission limitations for these coal-fired units in the final Acid Rain Operating Permit.

2.5 Phase II NO_x Averaging Plan

2.5.1 The Phase II NO_x Averaging Plan was also originally limited to the Phase I and II coal-fired boilers listed in Tables 1 and 2 of 40 CFR 73.10. The purpose of the averaging plan was to allow owners of mixture of older and newer boilers to combine the emission rates of their sources together. If this averaged emission rate is equal to or lower than the averaged emission limitation for the group of boilers then the combined emissions are to be considered in compliance. It is now possible for the owners of "new" coal-fired boilers (installed after the development of Tables 1 and 2) that meet the definition of a Group 1 or 2 boiler to submit a NO_x Averaging Plan.

2.5.2 The NO_x Averaging Plan is to be submitted using EPA Form 7610-29 (3-97). The original form is to be submitted to the VADEQ, with a copy sent by the VADEQ to the USEPA address supplied in the instructions. The Virginia regulation that allows the compliance option of averaging emissions of units at more than one source is 9 VAC 5-80-450 B. The emissions of Group 1 and 2 units located at different facilities and even in separate States can be averaged for NO_x compliance. However all of these units must be under the direct control of the same owner/operator to qualify.

2.5.3 The NO_x Averaging Plan can be submitted at any time during the year, but only becomes effective on the following January 1st. The averaging plan will have an effective period of a least one full calendar year. The averaging plan can be extended for up to five calendar (but not necessarily consecutive) years (see Step 3 of the form).

2.5.4 If the owner desires, they can request that an approved averaging plan be terminated early. This request must be submitted to the VADEQ by October 1, the termination will come into effect on the following January 1st. The request for termination must come with either an updated averaging plan, or a revised Phase II NO_x Compliance Plan to demonstrate how the owner plans to maintain the regulatory compliance of the coal-fired boilers. The Regional Office will keep the USEPA Region III informed of any changes.

2.5.5 After reviewing the averaging plan application, the VADEQ will notify the owner and the USEPA in writing of their approval or disapproval. If the averaging plan is disapproved the reason(s) must be detailed in the response. After approval, annual emission reports supporting the Phase II NO_x Averaging plan are submitted directly to the USEPA. The VADEQ has no other responsibilities in this area.

2.6 New Unit Exemption Approvals

2.6.1 Certain utility units located at Title IV permitted sites can be exempted from the Acid Rain Program. For affected sources the completion of a *New Unit Exemption* will reduce the amount of monitoring they are required to perform under Title IV, and limit the amount of NO_x Trading Allowances they may need to maintain normal operations. For facilities that have no other requirements under Title IV, a *New Unit Exemption* for the installation of a new utility unit will allow them to avoid the restraints of the program altogether.

2.6.2 If applicable, *New Unit Exemptions* applications will be included in the initial Acid Rain permit application for proposed new facilities. An example of this application is provided in Appendix A.

2.6.3 *New Unit Exemptions* are submitted using Form 7610-19 (rev. 4-98). To be exempted from the acid rain program and not defined as an *affected unit*, the *utility unit* must meet the following specifications:

1. It does not burn coal, or coal derived liquid or solid fuels. Coal derived gas is allowed if it meets the sulfur requirement of Item 3.
2. The maximum generating capacity of the unit(s) must be 25 MWe or less.
3. The sulfur content of the fuel must be less by 0.05 percent by weight sulfur.

2.6.4 The *New Unit Exemption* will go into affect on January 1st of the year following approval by the VADEQ. Until then, the owner/operator will maintain enough acid rain emission related trading allowances (if applicable) for the exempted unit to operate. Please refer to the NO_x Budget Trading references for more information on this subject.

2.6.5 The *New Unit Exemption* will be valid for a period of no more than five years; afterwards the owner must renew it six months prior to its expiration. This requirement to renew the exemption also applies to any facility that is otherwise not listed under Title IV. A *New Unit Exemption* can be set to expire in less than five years to bring the document into line with other Acid Rain permit documents. Expiration periods of less than five years may be set only after the agreement of the owner/operator.

2.6.6 Instructions for the completion of the New Unit Exemption form is provided with the document as downloaded off of the Clean Air Market Internet site. A New Unit Exemption form is to be completed for each individual fuel burning emission source.

2.6.7 After completion of the form, the document will be sent to the VADEQ regional Office. The Regional Office will acknowledge in writing to the owner the receipt of the document and that it is administratively complete within 10-days. This notice will include what information (if any) is being reported to the USEPA.

2.6.8 If the exemption is being taken for an existing *affected unit* that was listed in the USEPA Title IV database, then a copy of the exemption form will be submitted to the

USEPA Acid Rain Program administrator for Region III. If the unit was not previously listed as an *affected unit* in the USEPA Acid Rain database, no further action by the VADEQ is required. A copy of the *New Unit Exemption* application and of the VADEQ response to the owner will be kept on file.

2.6.9 The special provisions listed in STEP 5 of the exemption form details the records that must be kept on site to maintain compliance with the exemption. Records must be kept for a minimum of the previous five years.

2.6.10 As described in the special provisions portion of the application, the *exemption* is voided the first day the unit no longer meets the requirements of an exemption. The VADEQ regional office should be informed verbally immediately at this point and a new or revised Acid Rain permit application for the *affected unit* submitted within sixty days (40 CFR 72.7).

2.6.11 Any unit regardless of its age will lose any “grandfathered” exemptions to emission standards permanently after losing its *New Unit Exemption*. The unit will be considered from then on a newly installed Phase II unit with the latest emission standards applied accordingly.

2.7 Retired Unit Exemptions

2.7.1 *Retired Unit Exemptions* are limited to *affected sources* with a current Acid Rain permit. For permanently shut down equipment located a facility that is applying for its first Acid Rain permit, a *Retired Unit* application will not be required. The *Retired Unit Exemption* can be applied to units that are either completely removed from the site or simply shut down and left in place.

2.7.2 For units that are physically removed from the site and no longer exist, records demonstrating that the equipment was removed must be kept on site for five years after the date of removal. Afterwards, no further records are needed to support the *exemption*. This form of the *Retired Unit Exemption* does not need to be renewed.

2.7.3 For units that are shut down but are not removed from the site, records must be maintained demonstrating that the unit was not operated for at least five years. The period of time records must be maintained for can be extended for cause by the Regional Offices.

2.7.4 After an *exemption* has been approved by the state the effective date of the *exemption* will begin on January 1st of the year following the date the *exemption* was written (9 VAC 5-80-400 B). Acid Rain allowances (if required) must be maintained for the exempted unit for the remainder of the current year. The *Retired Unit Exemption* for units left in place will be valid for a maximum period of five years, expiring on December 31st. The owner must renew the exemption 6-months prior to its expiration.

2.7.5 If the owner plans to return the unit to operation, the owner must submit a revised permit application to include this individual unit 24-months prior to the date the unit is scheduled to be brought back on line. This lead-time can be altered at the discretion of the permit writer on a case-by-case basis.

2.7.6 The Retired Unit Exemption is submitted on EPA Form 7610-20 (rev.4-98). The form only requires the plant and unit identifications and the signature of the *Designated Representative*.

2.7.7 To obtain a *Retired Unit Exemption* for a piece of equipment that will remain on site the *affected unit* can not emit any NO_x or SO_x at all. In theory the equipment can still operate if it does not produce any acid rain precursors. Since the subject of Title IV is fuel burning equipment there is little chance that an *affected unit* can be operated without even the possibility of acid rain emissions.

2.7.8 After completion of the form, the document will be sent to the VADEQ Regional Office representative. The Regional Office will acknowledge in writing the delivery of the document, and that it is administratively complete within ten business days. A copy of the Retired Unit Exemption form will be submitted to the USEPA Acid Rain Program administrator for Region III by the VADEQ.

3.0 Acid Rain Permit Approval Procedures

3.1 Program Goals

3.1.1 The primary goal of the Acid Rain permit program and the responsibility of the VADEQ is to register the facilities and their air emission sources with the USEPA database. With the addition of the NO_x trading program there will be additional responsibilities but these subjects (trading account permitting and CEM certifications) are covered in the other documents referred to in the executive summary.

3.1.2 Between 1998 and 1999 a committee of regional and central office representatives was set up to review the Title IV permitting requirements and to complete the initial permitting of existing facilities. The result of this review was the development of the Phase II Acid Rain Permit format. The procedures described in this document have been adapted and built upon this committee's decisions as well as federal and state regulations covering this subject.

3.1.3 The following sections will briefly describe the permitting process and the schedule required by the program for new sources. In addition, the subjects of permit renewal, affected unit exemption, and permit modification will be covered. Finally, the subject of the incorporation of the Title IV Phase II permit and Title V operating permit forms into a single new document will be discussed.

3.2 Initial Permit Approval

3.2.1 With the publishing of the VAC's Article 3 (9 VAC 5-80-360 et.al.) two new types of air quality permits were developed to support the acid rain program in Virginia. The initial permit format was first issued in 1998 and is now called the Phase II Acid Rain Permit. A boilerplate of this format is provided in Appendix B. Because the regulations require that a valid acid rain permit must be issued prior to the start of operations the Phase II format can be considered a "construct and operate" type of permit similar to the NSR and PSD. Later when the final operating permit is issued for the new facility (a SOP or FOP) this Phase II permit will be initially attached to the operating permit.

3.2.2 As a result of Article 3, a priority of the air quality division was the combination of all operating permit formats (supporting separate air programs) into a single document. The result was the development of the Article 3 Federal Operating Permit format in which the operating conditions required by the Clean Air Act's Title IV and Title V are placed in a single document. A boilerplate of this permit's format (including the optional NO_x Budget program) is provided in Appendix B. It is the intention of this document that it will eventually replace the Phase II permit that was issued prior to the start of operations. A description of the contents of these permit formats is provided later in this document.

3.2.3 As stated, the initial permit approval process will begin up to 24-months prior to the planned start-up date of the new facility. This schedule can be modified with the prior agreement of the VADEQ regional representatives.

3.2.4 The permit to operate approval process begins with the notification of the VADEQ regional office by the owner of their intentions to construct an acid rain *affected source*. This notification will be in writing, and may be accompanied by the permit application and proof of the certification of the *Designated Representative*. This notification will be considered a *Petition to the Administrator* and treated accordingly. The regional office will acknowledge receipt of the letter within ten business days. At the receipt of the notification to construct, the regional office will open a file for this project and assign a registration number.

3.2.5 Prior to the review of the application, the facility must have registered their *Designated Representative* with the USEPA. The owner should provide “proof” of this certification to the VADEQ regional office. Generally this will be a copy of the signed certification form. This copy should be accompanied by a copy of the certified mail receipt or other evidence (Fed Ex or UPS receipts) as proof of delivery. In addition, a copy of the public notice announcing the *Designated Representative* will be provided by the owner to the regional office.

3.2.6 It is the responsibility of the regional office to confirm that the owner has registered the *Designated Representative* for the project with the USEPA. Over the lifetime of the *affected source*, many changes that will affect the certification of the *Designated Representative* can be expected. The regional office representatives should work closely with the owners/operators to ensure that the USEPA is kept informed of these updates.

3.2.7 With the opening of a file for the project, a Permit Tracking Sheet and Quality Assurance/Quality Control (QA/QC) Review Sheet should be prepared. Examples of these checklists (following the guidelines of the acid rain permit committee) are provided in Appendix B. The Permit Tracking Sheet is to insure that all of the required documents are completed, and that the regulatory imposed deadlines are met. The QA/QC Review Sheet is to confirm that the regulatory and technical aspects of the project have been reviewed, and that the project meets all state and federal standards and limitations.

3.2.8 A Statement of Basis (SOB) memorandum will be prepared for inclusion in the permit file. This document will follow the template developed for the Title V permitting program. In addition to the application documents many other sources of information may be reviewed to develop the Statement of Basis. These documents can include the Title V permit applications, and the NSR or PSD applications, PSD modeling reports, environmental impact statements, etc. The purpose of the SOB is to provide a technical summary of the project and its regulatory requirements.

3.2.9 The VADEQ regional office has ten working days to acknowledge the receipt of the permit application to the *Designated Representative* in writing. The regional office has 60-calendar days from the date of the receipt to determine if the Acid Rain permit application and its supporting documents are technically complete (9 VAC 5-80-430 D). A “60-day” letter will be sent to the *Designated Representative* describing the findings of the completeness review.

3.2.10 The regional representatives will work closely with the *Designated Representative* and the owner/operators of the affected source to correct any faults with the applications that could result in their disapproval. If corrections to the documents are required, the VADEQ regional office will provide their procedures for correcting the problems in writing to the *Designated Representative*.

3.2.11 A draft acid rain permit (either a Phase II or Article 3 FOP) will be submitted by the VADEQ representative to the *Designated Representative* for his or her review anytime after the submission of the “60-day” letter. The owner/operator of the facility and their staff have no time limitations on their review of the draft permit.

3.2.12 After the regional office has responded to the owner/operator’s comments on the draft permit the period of public notice will officially begin. The regional office will formally announce the VADEQ proposal to issue an acid rain permit in a local newspaper or other acceptable publication. Examples of this type of notification are provided in Appendix B for your review.

3.2.13 For newly constructed facilities installations, two separate periods of public notice will be required. To meet federal requirements, a Phase II Acid Rain permit must be issued before the start of operations. This permit application must be open to public comment. Later, after the start of operations a second public notice must be made for the Article 3 FOP. This second public notice will describe that this permit will cover both the facility’s Title IV and Title V requirements. If the facility is also in the NO_x Budget Trading program this aspect of the permit will also be added to the notice.

3.2.14 The public will be given a minimum of 30-days to respond to these notices. The VADEQ has the authority to extend this period if they feel it is necessary to properly address any comments or questions that arise.

3.2.15 After completion of the period of public comment, a copy of the draft permit to operate will be submitted to Region III of the USEPA for their review and comment. The USEPA has 45-days to respond to this submission (9 VAC 5-80-690 C.1).

3.2.16 After the Regional Office has received the USEPA response to the draft permit (or the 45-day deadline has passed), the VADEQ Regional Office can issue the final Phase II or federal operating permit.

3.2.17 After the permit has been accepted by the owner, it is the regional office responsibility to submit a copy of the final permit to the Chief of the Air Enforcement Branch of the USEPA Region III.

3.2.18 All acid rain permits (either Phase II or Article 3 FOP) will become effective on January 1st. In most examples this will be the first day of the year following the publishing of the approval. The permit will be in effect for no more than five years, expiring on December 31st of the fifth year. For new installations, the emission of acid rain precursors will not be allowed without an acid rain permit in effect. If necessary, the Regional Offices have been given the authority to “pre-date” the effective period of the permit to the previous January 1st to cover the operation of the facility. However, this pre-dating can not be used to extent the effective period of the permit beyond five years.

3.2.19 With the prior notice and agreement of the owner/operator, an Acid Rain Permit can be issued with an effective period of less than five years. The purpose of a reduced effective period will be to bring the expiration date of the permit in line with the expiration date of existing operating permits or new unit exemptions for the facility. More information on this subject will be discussed in Section 3.8 of this guideline.

3.2.20 After the *Designated Representative* has received the copy of the final permit to operate, the owner/operator has 30 calendar days to review and to initiate an appeal of the permit. If a formal Notice of Appeal (as a Petition to the Administrator) is not submitted to the regional office within this time frame, the permit will be considered final.

3.3 Supporting Documentation for Permit Applications

3.3.1 For the majority of facilities to be permitted under the Acid Rain regulations in Virginia in the future, the notification of intent, the permit application, and the proof of registration of the *Designated Representative* will be all the documentation required by the VADEQ. Potential exceptions to this rule follow.

3.3.2 If the proposed facility includes any *utility units* that the owner/operator feels can be exempted from the definition of an *affected unit*, New Unit Exemption Forms can be included in the permit application package. Separate exemption forms will have to be completed for each individual *utility unit* requesting an exemption. The VADEQ regional representative may request additional information from the owner/operator if needed to make a final decision.

3.3.3 New coal fired boilers matching the definition of a Group 1 or Group 2 boiler as defined in 40 CFR 76 will submit a Phase II NO_x Compliance Plan with their permit application. For these coal-fired boilers a Phase II NO_x Averaging Plan could be completed if the owner feels the plan is necessary to maintain compliance.

3.4 Phase II Acid Rain Permit Format

3.4.1 A boilerplate based on the original Phase II Acid Rain Permit format first issued in 1997 has been provided in Appendix B. The Phase II format will continue to be used during the initial permitting of new facilities in the future. As described the Acid Rain application is due prior to start up of the facility, while the Title V related application is generally not submitted until after start up. Hence the requirement to use the Phase II permit format during initial construction and startup of the equipment. At the time of the permit's renewal, the full Article 3 Federal Operating Permit (Section 3.5) will be issued.

3.4.2 The Phase II boilerplate has been designed to match the standard USEPA format. The boilerplate provides examples of SO₂ allowances and NO_x requirements under Title IV that will cover most of the *affected unit* types that have been or will be installed in Virginia. Some of the more important features of the document are:

- a. A standard "Statement of Basis" (Section 1.) has been developed.
- b. Each *affected unit* located on the site will have its own separate table listing the allowances and compliance requirements of that individual unit under Title IV. This table will contain the following information:
 1. The number of tons of SO₂ allowances (if any) that have been granted to the affected unit under PHASE II (40 CFR 73, Table 2).
 2. The NO_x emission limitations and monitoring standards for the unit as described in 40 CFR 76. If this affected unit is a Group 1 or 2 boiler a description of the annual compliance plan(s) and the date they are due each year will be included with the Phase II document.

3.4.3 A review of the boilerplate permit document will show that examples of emission summaries have been created for the majority of combustion sources to be expected. These include: Phase II boilers, new coal-fired boilers, oil and natural gas fired combustion sources, etc. Using the permit application and other sources of technical information on the facility, the permit writer simply has to choose the example(s) that best fit the *affected units* of the facility and fill in the appropriate unit identification data.

3.5 Article 3 Federal Operating Permit

3.5.1 With the publication of Article 3 (9 VAC 5-80-360 et seq.), it became a requirement of the VADEQ to combine all federally enforceable air quality permit conditions into a single document. To support this goal, a new Article 3 Federal Operating Permit format has been developed. A boilerplate of this new format is available in Appendix B.

3.5.2 A review of the Article 3 FOP boilerplate will show that the document is an expanded version of the original Title V permit's format. In addition to the Phase II Acid Rain permit conditions (Section X in this example) incorporated into it the Virginia Administrative Code citations quoted in the document has been revised to match the Article 3 regulations. Section XI of the boilerplate incorporates the conditions of the NO_x

Allowance Budget Trading program (9 VAC 5-140-10 et seq.). The Budget Trading permit conditions are optional and these requirements have been covered in the separate permit writer's guide and ASOP.

3.5.3 As required by USEPA regulations, Acid Rain Permits must have an effective date of January 1st. The permit will be set to expire on December 31st, with a maximum effective period of five years. The reason for requiring these dates is the reporting and trading requirements of the Acid Rain and NO_x trading programs. Annual emission reporting under the acid rain program is to be for each calendar year. The allowance trading NO_x control season (May 1 through September 30) can not be divided between two consecutive operating permits.

3.5.4 In time, all Title V and Phase II permit formats for acid rain affected sources will be replaced by the new Article 3 FOP format. The timing of this action will depend on the status of the permit application process for each individual facility. It will up to the permit writer to decide when and how the documents will be changed. For facilities that already have their Article 1 FOP and Phase II permits issued, the new Article 3 FOP will be issued when the original Phase II permit expires. For facilities that have a Phase II permit but have not yet been issued their final Article 1 FOP document, the Article 3 FOP format should be used when the initial operating permit is issued. The expiration date of this operating permit will be set to match the expiration date of the existing Phase II (less than five years).

3.5.5 The current goal of the VADEQ at the time of this writing (Fall 2002) is begin issuing this revised Article 3 FOP format to the *affected sources* (initially permitted with Phase II Acid Rain Permits in 1997) after January 2003. The regional offices will complete the conversion of the acid rain permit format and effective period rescheduling for all acid rain facilities located in Virginia by January 1, 2008. The Phase II permit format will continue to be issued during the construction phase of new acid rain *affected sources*.

3.6 Modifications to Existing Acid Rain Permits

3.6.1 It is the responsibility of the owner/operator to review all changes in equipment and/or operations at their facility for impacts on their acid rain permit. These changes can include the addition or removal of utility units, changes in fuel utilized, changes in responsible personnel, etc. The impact of these changes on the operating permit can vary significantly. The following paragraphs describe the majority of modifications to Acid Rain Permits that can be expected and suggestions on the Regional Office response.

3.6.2 As described in 9 VAC 5-80-560, administrative permit amendments to an approved permit to operate are allowed without public comment. These amendments represent changes not due to a major error in the data provided in the application or a change in the equipment in the facility. These items can include simple typographical errors, changes in site contact phone numbers or email addresses, etc. The regional

office will decide the level of response to the permit amendment. This can range from simply adding a notation to the permit file, to publishing an updated copy of the Phase II or Article 3 FOP containing the corrections. The decision to inform the USEPA of an administrative change will be made on a case by case basis. Administrative amendments will not affect the permit's expiration date.

3.6.3 During the effective period of an approved acid rain permit changes in the existing equipment or the installation of new *utility units* may occur. If these new or modified *utility units* do not meet the definition of an *affected unit* (see Paragraph 2.6.3) they can be exempted from acid rain permitting using either *Retired Unit* or *New Unit Exemption* forms.

- a. If the equipment in question was listed in the original permit application, a copy of the exemption form must be forwarded to the USEPA so that their database can be updated. For new equipment not previously included in a permit, the USEPA does not have to be informed. A copy of the *New Unit Exemption Form* will be kept in the VADEQ Regional Office permit files.
- b. *New Unit Exemptions* must be renewed at a maximum of every five years. The initial exemption should be set (with the agreement of the owner/operator) to expire on the same date as the existing operating permit. Afterwards, the exemptions and permit will be timed to run concurrently.

3.6.4 The removal or "retirement" of permitted equipment can also be expected during the lifetime of some permitted *affected sources*. *Retired Unit Exemptions* forms will be completed for each of these sources. Copies of all *Retired Unit Exemption* forms will be forwarded to the USEPA so that the Acid Rain database can be updated.

- a. For units that are physically removed from the site, only the initial *Retired Unit Exemption* form will be required. The exemption will be allowed to expire after five years.
- b. For units that have been shut down but are still located at the site, the *Retired Unit Exemption* will have to be renewed at least every five years. The initial exemption should be set (with the agreement of the owner/operator) to expire on the same date as the existing operating permit. Afterwards, the exemptions and permit will be timed to run concurrently.

3.6.5 At a facility with approved *New Unit* or *Retired Unit Exemptions*, there is the potential for changes in operations that will void the exemption. It is the responsibility of the owner/operator to inform the regional office 24-months prior to this change. This schedule can be modified at the discretion of the permit writer.

- a. The owner/operator will inform the regional office in writing describing the changes in operation that are voiding the exemption. Accompanying this notice will be a new Acid Rain Permit application, listing the voided exempted unit and all other *affected units* at the facility.

- b. The changes to the operating permits will be treated as a “new application” and require full public notice. A updated permit to operate will published to include these previously exempted sources. A copy of the application and draft permit will be submitted to the USEPA for their review.
- c. It will be at the discretion of the permit writer on setting the expiration date for the modified permit.

3.6.6 The installation of new Acid Rain *affected unit(s)* is the only other modification to an Acid Rain facility that will normally affect their permits. It is the responsibility of the owner/operator to inform the regional office 24-months (9 VAC 5-80-430 C) prior to the start up of this new equipment. This schedule can be modified at the discretion of the permit writer.

- a. The owner/operator will inform the regional office in writing describing the new equipment and the schedule for installation. Accompanying this notice will be a new Acid Rain Permit application, listing the new emission sources and all other *affected units* at the facility.
- b. An updated operating permit will be developed to include both the new and existing permitted sources. A public notice of the new equipment installation will be made by the VADEQ, and a 30-day comment period will be set. A copy of the application and permit will be submitted to the USEPA for their review.
- c. It will be left up to the permit writer on setting the expiration date for the modified operating permit.

3.7 Changes in Designated Representative Certification

3.7.1 Unlike other applications and forms issued under Acid Rain, the certification of the *Designated Representative* does not have a fixed expiration date. As long as the information provided in the document is accurate, there is no need to update it. If changes in personnel require that a new *Designated Representative* be selected, then a new certification form must be completed and submitted to the regional office within 30-days. After review, a copy of the certification form is to be forwarded to the USEPA. The facility is responsible to issue a public notice of this change in personnel.

3.7.2 In addition to changes in personnel, other potential reasons for updating and submitting modified certifications to the USEPA include:

- a. A change in the ownership of the facility. This can include the purchase of the facility by a new owner, or a reorganization of the existing company.
- b. A change in the operator contracted to run the facility.
- c. The installation of new equipment, or the exemption and/or retirement of existing permitted equipment. The list of *affected units* on the certification form must match all other documents.

- d. Any other administrative change that the VADEQ Regional Office feels is significant and requires that the USEPA be informed.

3.8 Acid Rain Permit and Unit Exemption Renewals

3.8.1 Applications to renew an Acid Rain Permit and/or unit exemptions are due at least six months prior to the expiration of the documents (9 VAC 5-80-430 C). The notification by the owner/operator, the application documents, and the review of the renewal request will be identical to the original permit application procedures.

3.8.2 The DEQ representative reviewing the document has sixty days to determine if the renewal applications are complete (9 VAC 5-80-430 D).

3.8.3 Drafts of the renewed permit(s) will be submitted for review and comment by both the owner/operator and the USEPA prior to issuing the final document.

4.0 Summary

4.0.1 The Acid Rain Program was developed initially to reduce sulfuric oxide and nitrogen oxide emissions from coal fired electrical generation facilities. The program was then expanded to include other fossil fuel generation units. The older and larger units (Phase I) were placed under the direct supervision of the USEPA. The smaller units and generators built since the start of the program have been assigned to the Phase II group, and the individual state agencies have been given authority over them.

4.0.2 Acid Rain emission trading (SO_x) is generally limited to Phase I facilities. Emission trading and the setting of allowances for acid rain are supervised by the USEPA. There are no listed Phase I facilities in Virginia, so the VADEQ's responsibility is limited to permitting the emission units, and insuring that they are registered with the federal database. Emission standards for these units have been set by the USEPA and provided for in the CFR.

4.0.3 The permitting schedule has been the primary concern during the implementation of the acid rain program. The acid rain permit must be issued prior to the start of operations. However, the regulations also require that the acid rain permit be incorporated into the final operating permit. But the federal operating permit application is not due for up to 12-months after the start of operations, and it may be years before the operating permit is issued. The result is that two separate permit formats have been developed to cover the needs of a single program.

4.0.4 The original format (the Phase II Acid Rain Permit) was originally developed in 1997-98. This permit format will continue to be used in the future for new constructions and installations. As final operating permits are issued to these facilities, the acid rain conditions will be incorporated into the documents. The Article 3 Federal Operating Permit has been developed to meet this need.

4.0.5 The problem in combining these permits together is that they each have their own permitting schedules provided for in the regulations and these schedules conflict with one another. A thorough review of the issue has shown that there is no single solution to this conflict. There are too many variables.

4.0.6 The regional office's permit writing staffs have been given the authority to resolve the conflict on a case-by-case basis. In board terms, permitting of acid rain affected sources will follow these guidelines:

- The Phase II permit will be issued prior to start of operations, and will come into effect on January 1st of the year operations is scheduled to begin.
- The federal operating permit will be issued sometime after the beginning of operations and air emissions at the site. This permit can either be an Article 1 or Article 3 FOP. The current Phase II permit will be attached to this operating permit.

- During the first or second renewal of the operating permit, the FOP will be set to have an effective period of less than five years. The FOP will be set to expire on the same day as the current Phase II (December 31st). The new Article 3 FOP containing the acid rain permit conditions will be completed prior to this expiration date and be set to come into effect the following day.

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References

Virginia Administrative Code of Regulations

- 9 VAC 5-50-10 et seq. - New and Modified Stationary Sources, Special Provisions
- 9 VAC 5-80-1100 et seq. – Permits for New and Modified Stationary Sources
- 9 VAC 5-80-50 et seq. – Federal Operating Permits for Stationary Sources, Article 1
- 9 VAC 5-80-360 et seq. - Operating Permits for Acid Rain
- 9 VAC 5-140-10 et seq. – NOx Budget Trading Program

Code of Federal Regulations

- Acid Rain Program General Provisions – 40 CFR 72 et seq.
- Acid Rain Program Continuous Emission Monitoring - 40 CFR 75 et seq.
- Acid Rain Nitrogen Oxides Emission Reduction Program – 40 CFR 76 et seq.

Clean Air Markets InterNet site, USEPA, <http://www.epa.gov/airmarkt/index.html>

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Appendix A

Federal Acid Rain Permitting Documents

Certificate of Representation Form
Acid Rain Permit Application
Phase II NO_x Compliance Plan
Phase II NO_x Averaging Plan
New Unit Exemption Form
Retired Unit Exemption Form



Certificate of Representation

Page 1

For more information, see instructions and refer to 40 CFR 72.24

This submission is: ☐ New ☐ Revised (revised submissions must be complete; see instructions)

This submission includes combustion or process sources under 40 CFR part 74 ☐

STEP 1
Identify the source by
plant name, State, and
ORIS code.

Plant Name	State	ORIS Code
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STEP 2
Enter requested
information for the
designated
representative.

Name	
Address	
Phone Number	Fax Number
E-mail address (if available)	

STEP 3
Enter requested
information for the
alternate designated
representative, if
applicable.

Name	
Phone Number	Fax Number
E-mail address (if available)	

STEP 4
Complete Step 5, read
the certifications, and
sign and date. For a
designated representa-
tive of a combustion or
process source under 40
CFR part 74, the refer-
ences in the certifications
to "affected unit" or
"affected units" also
apply to the combustion
or process source under
40 CFR part 74 and the
references to "affected
source" also apply to
the source at which the
combustion or process
source is located.

I certify that I was selected as the designated representative or alternate designated representative, as applicable, by an agreement binding on the owners and operators of the affected source and each affected unit at the source.

I certify that I have given notice of the agreement, selecting me as the 'designated representative' for the affected source and each affected unit at the source identified in this certificate of representation, in a newspaper of general circulation in the area where the source is located or in a State publication designed to give general public notice.

I certify that I have all necessary authority to carry out my duties and responsibilities under the Acid Rain Program on behalf of the owners and operators of the affected source and of each affected unit at the source and that each such owner and operator shall be fully bound by my actions, inactions, or submissions.

I certify that I shall abide by any fiduciary responsibilities imposed by the agreement by which I was selected as designated representative or alternate designated representative, as applicable.

I certify that the owners and operators of the affected source and of each affected unit at the source shall be bound by any order issued to me by the Administrator, the permitting authority, or a court regarding the source or unit.

Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, an affected unit, or where a utility or industrial customer purchases power from an affected unit under life-of-the-unit, firm power contractual arrangements, I certify that:

I have given a written notice of my selection as the designated representative or alternate designated representative, as applicable, and of the agreement by which I was selected to each owner and operator of the affected source and of each affected unit at the source; and

Allowances and the proceeds of transactions involving allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement or, if such multiple holders have expressly provided for a different distribution of allowances by contract, that allowances and the proceeds of transactions involving allowances will be deemed to be held or distributed in accordance with the contract.

The agreement by which I was selected as the alternate designated representative, if applicable, includes a procedure for the owners and operators of the source and affected units at the source to authorize the alternate designated representative to act in lieu of the designated representative.

Plant Name (from Step 1)

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Signature (designated representative)	Date
Signature (alternate designated representative)	Date

STEP 5
Provide the name of every owner and operator of the source and identify each affected unit (or combustion or process source) they own and/or operate.

Name					<input type="checkbox"/> Owner	<input type="checkbox"/> Operator
ID#	ID#	ID#	ID#	ID#	ID#	ID#
ID#	ID#	ID#	ID#	ID#	ID#	ID#

Name					<input type="checkbox"/> Owner	<input type="checkbox"/> Operator
ID#	ID#	ID#	ID#	ID#	ID#	ID#
ID#	ID#	ID#	ID#	ID#	ID#	ID#

Name					<input type="checkbox"/> Owner	<input type="checkbox"/> Operator
ID#	ID#	ID#	ID#	ID#	ID#	ID#
ID#	ID#	ID#	ID#	ID#	ID#	ID#

Name					<input type="checkbox"/> Owner	<input type="checkbox"/> Operator
ID#	ID#	ID#	ID#	ID#	ID#	ID#
ID#	ID#	ID#	ID#	ID#	ID#	ID#



Acid Rain Program

Instructions for

Certificate of Representation (40 CFR 72.24)

Under the Acid Rain Program (at 40 CFR part 72 subpart B), the owners and operators for each affected source must designate a representative, and may designate an alternate, to act on their behalf. The owners and operators must choose the designated representative through a process that ensures that all owners and operators have notice regarding the selection.

All affected units at a source must have the same designated representative. The designated representative is responsible for all submissions and allowance transactions relating to the units at that source, and is liable for acts or omissions within the scope of his or her responsibilities under the Acid Rain Program.

Please type or print. If more space is needed, photocopy the second page. Indicate the page order and total number of pages (e.g., 1 of 4, 2 of 4, etc.) in the boxes in the upper right hand corner of each page. **A Certificate of Representation amending an earlier submission supersedes the earlier submission *in its entirety*. A revised Certificate of Representation must therefore *be complete*, including original signature(s) and dating by the designated representative (and the alternate designated representative, if applicable), as required under 40 CFR 72.24(a) and 72.25(a).**

Submit one Certificate of Representation form with **original** signatures. Remember that under 40 CFR 72.21, the designated representative must notify each owner and operator of all Acid Rain Program submissions.

For assistance, call the Acid Rain Hotline at (202) 564-9620.

STEP 1 An ORIS code is a 4 digit number assigned by the Energy Information Administration (EIA) at the U.S. Department of Energy to power plants owned by utilities. If the plant is not owned by a utility but has a 5 digit facility code (also assigned by EIA), use the facility code. If no code has been assigned or if there is uncertainty regarding what the code number is, contact EIA at (202) 287-1730 (for ORIS codes), or (202) 287-1927 (for facility codes).

For a combustion or process source under 40 CFR part 74, enter the ORIS or facility code if one has been assigned by EIA. If not, leave blank.

STEP 2 The designated representative must be a natural person and cannot be a company. Please enter the firm name and address as it should appear on all correspondence. **All EPA correspondence is mailed to the designated representative only.** An alternate designated representative must rely on the designated representative to forward information mailed by EPA to the designated representative.

STEP 3 Although not required, **EPA strongly encourages owners and operators to designate an alternate designated representative** to act on behalf of the designated representative.

STEP 4 The public notice declaring the appointment of a designated representative must be posted for at least **one day**. Also, all certification statements apply to the designated representative of combustion or process sources seeking to become opt-in sources under 40 CFR part 74.

STEP 5 See 40 CFR 72.2 for the definitions of "owner" and "owner or operator." Enter the company name of the owner(s) and operator in the "Name" field. Indicate whether the company is the owner, operator, or both. If the operator of a unit has not yet been chosen, indicate that the owner is both the owner and operator and submit a revised form

STEP 5, cont'd.

when the operator has been selected within 30 days of the effective date of the selection.

Identify each affected unit at the affected source that is owned or operated by the named party by providing the appropriate unit identification number. Do **not** provide any identifiers for steam turbines or duct burners.

The identification number entered for each affected unit should be consistent with previously submitted Certificates of Representation (if applicable) and with unit identification numbers used in reporting to DOE and/or EIA. For new units without identification numbers, owners and operators may assign such numbers consistent with EIA and DOE requirements. All submissions to EPA that include the unit identification number(s) (monitoring plans, quarterly reports, etc.) should reference those unit identification numbers in **exactly** the same way that they are referenced on the Certificate of Representation.

Mail this form to:

U.S. Environmental Protection Agency
Acid Rain Program (6204N)
Attention: Designated Representative

by regular or certified mail: or overnight mail:

1200 Pennsylvania Ave., NW
Washington, DC 20460
633 3rd St., NW
Washington DC 20001
(202) 564-9150

Submit this form prior to making any other submissions under the Acid Rain Program. This form must be submitted before participating in the annual auctions and sales of allowances. EPA will not issue proceeds from auctions or sales to a unit until it receives a complete Certificate of Representation.

Combustion or process sources seeking to become opt-in sources under 40 CFR part 74 must submit this form prior to or concurrent with the opt-in permit application under 40 CFR 74.14.

Submit a revised Certificate of Representation when any information in the existing Certificate of Representation changes. **EPA must be notified of changes to owners and operators within 30 days of the effective date of the change.**

Paperwork Burden Estimate

The burden on the public for collecting and reporting information under this request is estimated at 35 hours per response. Send comments regarding this collection of information, including suggestions for reducing the burden, to: Chief, Information Policy Branch (2136), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460; and to: Paperwork Reduction Project (OMB#2060-0221), Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503. **Do not submit forms to these addresses; see the submission instructions above.**



Acid Rain Permit Application

For more information, see instructions and refer to 40 CFR 72.30 and 72.31

This submission is: ~ New ~ Revised

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Plant Name	State	ORIS Code
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STEP 1

Identify the source by
plant name, State, and
ORIS code.

STEP 2

Enter the unit ID#
for every affected
unit at the affected
source in column Aa.®
For new units, enter the
requested information in
columns Ac.® and Ad.®

a	b	c	d
Unit ID#	Unit Will Hold Allowances in Accordance with 40 CFR 72.9(c)(1)	New Units Commence Operation Date	New Units Monitor Certification Deadline
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		

STEP 3**Permit Requirements****Read the
standard
requirements**

- (1) The designated representative of each affected source and each affected unit at the source shall:
 - (i) Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30; and
 - (ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit;
- (2) The owners and operators of each affected source and each affected unit at the source shall:
 - (i) Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and
 - (ii) Have an Acid Rain Permit.

Monitoring Requirements

- (1) The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
- (3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

Sulfur Dioxide Requirements

- (1) The owners and operators of each source and each affected unit at the source shall:
 - (i) Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c)), or in the compliance subaccount of another affected unit at the same source to the extent provided in 40 CFR 73.35(b)(3), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and
 - (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
- (2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
- (3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
 - (i) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or
 - (ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).
- (4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
- (5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
- (6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.

(7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

Plant Name (from Step 1)

Acid Rain - Page 3

**STEP 3,
Cont-d.**

Nitrogen Oxides Requirements The owners and operators of the source and each affected unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

Excess Emissions Requirements

- (1) The designated representative of an affected unit that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.
- (2) The owners and operators of an affected unit that has excess emissions in any calendar year shall:
 - (i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
 - (ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

Recordkeeping and Reporting Requirements

- (1) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:
 - (i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
 - (ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
 - (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
 - (iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
- (2) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

Liability

- (1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
- (2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
- (3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.

(4) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.

Plant Name (from Step 1)

Acid Rain - Page 4

Step 3,
Cont-d.

Liability, Cont-d.

(5) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.

(6) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans) and 40 CFR 76.11 (NO_x averaging plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR part 75 (including 40 CFR 75.16, 75.17, and 75.18), the owners and operators and the designated representative of one affected unit shall not be liable for any violation by any other affected unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.

(7) Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

Effect on Other Authorities

No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 shall be construed as:

(1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;

(2) Limiting the number of allowances a unit can hold; *provided*, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Act;

(3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;

(4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,

(5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

Certification

STEP 4

Read the
certification
statement,
sign, and
date

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name	
Signature	Date



Acid Rain Program

Instructions for Acid Rain

Permit Application (40 CFR 72.30- 72.31)

The Acid Rain Program requires the designated representative to submit an Acid Rain permit application for each source with an affected unit. A complete Certificate of Representation must be received by EPA before the permit application is submitted to the title V permitting authority. A complete Acid Rain permit application, once submitted, is binding on the owners and operators of the affected source and is enforceable in the absence of a permit until the title V permitting authority either issues a permit to the source or disapproves the application.

Please type or print. The alternate designated representative may sign in lieu of the designated representative. If assistance is needed, contact the title V permitting authority.

STEP 1 Use the plant name and ORIS Code listed on the Certificate of Representation for the plant. An ORIS code is a 4 digit number assigned by the Energy Information Agency (EIA) at the U.S. Department of Energy to power plants owned by utilities. If the plant is not owned by a utility but has a 5 digit facility code (also assigned by EIA), use the facility code. If no code has been assigned or if there is uncertainty regarding what the code number is, contact EIA at (202) 287-1730 (for ORIS codes), or (202) 287-1927 (for facility codes).

STEP 2 For column Aa, identify each affected unit at the affected source by providing the appropriate unit identification numbers, consistent with the unit identification numbers entered on the Certificate of Representation and with unit identification numbers used in reporting to DOE and/or EIA. For new units without identification numbers, owners and operators may assign such numbers consistent with EIA and DOE requirements.

For columns Ac and Ad, enter the commence operation date(s) and monitor certification deadline(s) for new units in accordance with 40 CFR 72.2 and 75.4, respectively.

Submission Deadlines

For new units, an initial Acid Rain permit application must be submitted to the title V permitting authority 24 months before the date the unit commences operation. Acid Rain permit renewal applications must be submitted at least 6 months in advance of the expiration of the acid rain portion of a title V permit, or such longer time as provided for under the title V permitting authority's operating permits regulation.

Submission Instructions

Submit this form to the appropriate title V permitting authority. If you have questions regarding this form, contact your local, State, or EPA Regional Acid Rain contact, or call EPA's Acid Rain Hotline at (202) 564-9620.

Paperwork Burden Estimate

The burden on the public for collecting and reporting information under this request is estimated at 17 hours per response. Send comments regarding this collection of information, including suggestions for

reducing the burden, to: Chief, Information Policy Branch (2136), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460; and to: Paperwork Reduction Project (OMB#2060-0258), Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

Do not submit forms to these addresses; see the submission instructions above.



Phase II NO_x Compliance Plan

Page of

For more information, see instructions and refer to 40 CFR 76.9

This submission is: ☐ New ☐ Revised

STEP 1
Indicate plant name,
State, and ORIS code
from NADB, if applicable

Plant Name	State	ORIS Code
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STEP 2

Identify each affected Group 1 and Group 2 boiler using the boiler ID# from NADB, if applicable. Indicate boiler type: "CB" for cell burner, "CY" for cyclone, "DBW" for dry bottom wall-fired, "T" for tangentially fired, "V" for vertically fired, and "WB" for wet bottom. Indicate the compliance option selected for each unit.

ID#	ID#	ID#	ID#	ID#	ID#
Type	Type	Type	Type	Type	Type

(a) Standard annual average
emission limitation of 0.50
lb/mmBtu (for Phase I dry
bottom wall-fired boilers)

☐☐☐☐☐☐

(b) Standard annual average
emission limitation of 0.45
lb/mmBtu (for Phase I
tangentially fired boilers)

☐☐☐☐☐☐

(c) EPA-approved early election
plan under 40 CFR 76.8 through
12/31/07 (also indicate above
emission limit specified in plan)

☐☐☐☐☐☐

(d) Standard annual average
emission limitation of 0.46
lb/mmBtu (for Phase II dry
bottom wall-fired boilers)

☐☐☐☐☐☐

(e) Standard annual average
emission limitation of 0.40
lb/mmBtu (for Phase II
tangentially fired boilers)

☐☐☐☐☐☐

(f) Standard annual average
emission limitation of 0.68
lb/mmBtu (for cell burner
boilers)

☐☐☐☐☐☐

(g) Standard annual average
emission limitation of 0.86
lb/mmBtu (for cyclone boilers)

☐☐☐☐☐☐

(h) Standard annual average
emission limitation of 0.80
lb/mmBtu (for vertically
fired boilers)

☐☐☐☐☐☐

(i) Standard annual average
emission limitation of 0.84
lb/mmBtu (for wet bottom
boilers)

☐☐☐☐☐☐

(j) NO_x Averaging Plan (include
NO_x Averaging form)

☐☐☐☐☐☐

(k) Common stack pursuant
to 40 CFR 75.17(a)(2)(i)(A)
(check the standard emission
limitation box above for most
stringent limitation applicable to
any unit utilizing stack)

☐☐☐☐☐☐

(l) Common stack pursuant to 40
CFR 75.17(a)(2)(i)(B) with NO_x
Averaging (check the NO_x
Averaging Plan box and include
NO_x Averaging form)

☐☐☐☐☐☐

Plant Name (from Step 1)

STEP 2, cont'd.

ID#	ID#	ID#	ID#	ID#	ID#
Type	Type	Type	Type	Type	Type

(m) EPA-approved common stack apportionment method pursuant to 40 CFR 75.17 (a)(2)(i)(C), (a)(2)(iii)(B), or (b)(2)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

(n) AEL (include Phase II AEL Demonstration Period, Final AEL Petition, or AEL Renewal form as appropriate)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

(o) Petition for AEL demonstration period or final AEL under review by U.S. EPA or demonstration period ongoing

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

(p) Repowering extension plan approved or under review

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

STEP 3
Read the standard requirements and certification, enter the name of the designated representative, sign &
Standard Requirements

General. This source is subject to the standard requirements in 40 CFR 72.9 (consistent with 40 CFR 76.8(e)(1)(i)). These requirements are listed in this source's Acid Rain Permit.

Special Provisions for Early Election Units

Nitrogen Oxides. A unit that is governed by an approved early election plan shall be subject to an emissions limitation for NO_x as provided under 40 CFR 76.8(a)(2) except as provided under 40 CFR 76.8(e)(3)(iii).

Liability. The owners and operators of a unit governed by an approved early election plan shall be liable for any violation of the plan or 40 CFR 76.8 at that unit. The owners and operators shall be liable, beginning January 1, 2000, for fulfilling the obligations specified in 40 CFR Part 77.

Termination. An approved early election plan shall be in effect only until the earlier of January 1, 2008 or January 1 of the calendar year for which a termination of the plan takes effect. If the designated representative of the unit under an approved early election plan fails to demonstrate compliance with the applicable emissions limitation under 40 CFR 76.5 for any year during the period beginning January 1 of the first year the early election takes effect and ending December 31, 2007, the permitting authority will terminate the plan. The termination will take effect beginning January 1 of the year after the year for which there is a failure to demonstrate compliance, and the designated representative may not submit a new early election plan. The designated representative of the unit under an approved early election plan may terminate the plan any year prior to 2008 but may not submit a new early election plan. In order to terminate the plan, the designated representative must submit a notice under 40 CFR 72.40(d) by January 1 of the year for which the termination is to take effect. If an early election plan is terminated any year prior to 2000, the unit shall meet, beginning January 1, 2000, the applicable emissions limitation for NO_x for Phase II units with Group 1 boilers under 40 CFR 76.7. If an early election plan is terminated on or after 2000, the unit shall meet, beginning on the effective date of the termination, the applicable emissions limitation for NO_x for Phase II units with Group 1 boilers under 40 CFR 76.7.

Certification

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name	
Signature	Date



Acid Rain Program

Instructions for Phase II NO_x Compliance Plan (40 CFR 76.9)

The U.S. Environmental Protection Agency has promulgated regulations designed to substantially reduce the annual emissions of nitrogen oxides (NO_x) from coal-fired electric utilities. The NO_x Emission Reduction regulations are found at 40 CFR part 76 and apply to each existing coal-fired utility unit that is subject to sulfur dioxide (SO₂) emission reduction requirements under Sections 404, 405, or 409 of the Clean Air Act. Under 40 CFR 76.9, the owner or operator of each affected unit subject to 40 CFR part 76 must include a compliance plan for NO_x emissions in the Acid Rain permit application for that unit. The designated representatives (DRs) of Phase I and Phase II NO_x-affected units with Group 1 or Group 2 boilers must submit an initial Phase II NO_x compliance plan to the appropriate title V air permitting authority (in most cases, the State or local air permitting authority) not later than **January 1, 1998**. A Group 1 boiler is a tangentially fired boiler or a dry bottom wall-fired boiler. A Group 2 boiler is a cell burner boiler, cyclone boiler, vertically fired boiler, or a wet bottom boiler. Once the title V permitting authority receives the Phase II NO_x compliance plans, it will in turn review them and incorporate approved plans into the Phase II Acid Rain permits issued by the permitting authority to Phase II affected sources.

General Instructions

- (1) Please type or print in black ink.
 - (2) NADB is the National Allowance Data Base for the Acid Rain Program. To obtain the database on diskette, call the Acid Rain Hotline at (202) 233-9620. This data file is in dBase format for use on an IBM-compatible PC. It requires 2 megabytes of hard drive memory. If the unit is not listed in NADB, use the plant name, ORIS code, and boiler ID#(s) listed on the Certificate of Representation for the affected source.
 - (3) If more space is needed, photocopy the pertinent page. When you have completed the form, indicate the page order and total number of pages (*e.g.*, 1 of 4, 2 of 4, etc.) in the boxes in the upper right hand corner of each page.
 - (4) Submit one complete set of all forms with **original** signatures to:
 - (a) The appropriate title V permitting authority (for NO_x Averaging Plans, a copy of the plan must be submitted to any **other** title V permitting authority with jurisdiction over any of the units in the plan).
- and**
- One **copy** to:
- (b) U.S. Environmental Protection Agency
Acid Rain Program (6204J)
Attn: Phase II NO_x
401 M St., SW
Washington, DC 20460
 - (5) For assistance, call the Acid Rain Hotline at (202) 233-9620.

NO_x Compliance Options

STEP 2

General

Indicate a proposed method of compliance with the NO_x emissions requirements for each unit at the source affected for NO_x during Phase II. A Phase II NO_x compliance plan must account for each year the Phase II acid rain permit will be effective. Further, a NO_x compliance plan is in effect only through the term of the acid rain permit covering the NO_x-affected units. **A new NO_x compliance plan must be submitted when an acid rain permit renewal application is due.**

NO_x-affected Units

To determine if an affected unit subject to Acid Rain SO₂ requirements is also subject to NO_x emission limitations, see 40 CFR 76.1, the definitions at 40 CFR 76.2, and the emission limitations at 40 CFR 76.5, 76.6, and 76.7. Most existing coal-fired units that are subject to Acid Rain SO₂ requirements and that have a Group 1 or Group 2 boiler are also subject to the NO_x emission limitations under 40 CFR part 76.

Phase I Group 1 Boilers

Compliance options (a) and (b) are standard annual emission limitations, one of which may be selected for a Phase I Group 1 boiler. The limits also apply to Phase II Group 1 boilers that are covered by an early election plan previously approved by U.S. EPA.

Early Election

Compliance option (c), NO_x early election, is available only to Phase II Group 1 boilers with early election plans submitted by January 1, 1997 and approved by U.S. EPA. All such plans terminate no later than December 31, 2007. DRs with NO_x early election units must select option (c) and either (a) or (b), the Phase I Group 1 standard emissions limit specified for the unit in the plan. If the termination date of the plan will be prior to the expiration date of the acid rain permit covering an early election unit, the DR must indicate an additional NO_x compliance option that will apply to the unit beginning when the plan terminates through the date by which the acid rain permit will expire. In such cases the DR must mark option (c) and either (a) or (b), as well as the additional box(es) denoting the additional, follow-on NO_x compliance option. For early election units in a common stack, see also the instructions under Common Stacks.

Phase II Group 1 Boilers

Compliance options (d) and (e) denote standard annual emission limitations, one of which may be selected for a Phase II Group 1 boiler.

Phase II Group 2 Boilers

Compliance options (f) through (i) denote standard annual emission limitations, one of which may be selected for a Phase II Group 2 boiler.

NO_x Averaging

Compliance option (j) denotes the annual emission limitation under a NO_x averaging plan, which may be selected in lieu of a standard annual emission limit for Group 1 or Group 2 boilers with the same owner or operator and the same DR. See instructions below and include Phase II NO_x averaging form.

Common Stacks

A unit that utilizes a common stack and is separately monitored for NO_x (i.e., has its own NO_x monitor and diluent monitor) is treated as the same as a unit that emits only through its own separate stack.

A unit (other than an early election unit) that utilizes a common stack and is not monitored separately must select one of the applicable common stack options. If the unit shares a common stack with other affected units and no non-affected units and if each of the units has a NO_x emission limitation, three options are available: comply with the most stringent NO_x emission limitation applicable

to any unit utilizing the common stack (option (k)); include the units in a NO_x averaging plan (option (l)); or use an approved method for apportioning the combined NO_x emission rate in the common stack (option (m)). If the unit shares a common stack with at least one other unit that does not have a NO_x emission limitation or with at least one non-affected unit, you must use an approved method for apportioning the combined NO_x emission rate (option (m)), unless, of course, the unit is separately monitored. An early election unit that utilizes a common stack, that is not monitored separately, and whose early election plan specifies option (k) or (m) for the unit, must select such option.

If an apportionment option is chosen, check, in addition to option (m), the box at Step 2 that indicates the applicable emission limitation and submit to U.S. EPA the documentation supporting apportionment with the monitoring plan submission.

Alternative Emissions Limitations

Compliance option (n) must be selected by a Phase II Group 1 or Group 2 boiler that is applying for an AEL demonstration period, or final AEL, starting in Phase II. Compliance option (n) must also be chosen by a boiler that is renewing for Phase II a final AEL approved by U.S. EPA (see instructions accompanying Phase II AEL Demonstration Period, Final AEL Petition, and AEL Renewal forms and include appropriate form).

Compliance option (o) must be selected by a boiler that has applied to U.S. EPA for an AEL demonstration period or final AEL which is undergoing review by U.S. EPA. If a final AEL is subsequently approved by U.S. EPA, a revised Phase II NO_x compliance plan must be submitted marking option (o) and attaching an AEL Renewal form. If an AEL demonstration period or final AEL is subsequently disapproved by U.S. EPA, a revised Phase II NO_x compliance plan must be submitted indicating which Phase II NO_x compliance option will be used by the boiler.

Repowering Extension Plans

Compliance option (p) must be selected by a boiler that is covered by either an approved repowering extension plan or a plan that is undergoing review. If a repowering extension plan undergoing review is subsequently disapproved, a revised Phase II NO_x compliance plan must be submitted indicating which Phase II NO_x compliance option will be used by the boiler. If the termination date of either the repowering extension plan undergoing review or the approved plan is prior to the expiration date of the acid rain permit covering the repowered (or replacement) boiler under the plan, the DR must indicate an additional NO_x compliance option that will apply to the boiler beginning when the plan terminates through the date by which the acid rain permit will expire. In such cases the DR must mark option (p), as well as additional box(es) denoting the additional, follow-on NO_x compliance option.



Phase II NO_x Averaging Plan

For more information, see instructions and refer to 40 CFR 76.11

Page 1

This submission is: ☐ New ☐ Revised

Page ☐ of ☐

STEP 1

Identify the units participating in this averaging plan by plant name, State, and boiler ID# from NADB. In column (a), fill in each unit's applicable emission limitation from 40 CFR 76.5, 76.6, or 76.7. In column (b), assign an alternative contemporaneous annual emissions limitation (ACEL) in lb/mmBtu to each unit. In column (c), assign an annual heat input limitation in mmBtu to each unit. Continue to page 3 if necessary.

Plant Name	State	ID#	(a) Emission Limitation	(b) ACEL	(c) Annual Heat Input Limit

STEP 2

Use the formula to enter the Btu-weighted annual emission rate averaged over the units if they are operated in accordance with the proposed averaging plan and the Btu-weighted annual average emission rate for the same units if they are operated in compliance with 40 CFR 76.5, 76.6, or 76.7. The former must be less than or equal to the latter.

Btu-weighted annual emission rate averaged over the units if they are operated in accordance with the proposed averaging plan

Btu-weighted annual average emission rate for same units operated in compliance with 40 CFR 76.5, 76.6 or 76.7

≤

$$\frac{\sum_{i=1}^n (R_{Li} \times HI_i)}{\sum_{i=1}^n HI_i}$$

≤

$$\frac{\sum_{i=1}^n [R_{Li} \times HI_i]}{\sum_{i=1}^n HI_i}$$

Where,

- R_{Li} = Alternative contemporaneous annual emission limitation for unit i, in lb/mmBtu, as specified in column (b) of Step 1;
 R_{Li} = Applicable emission limitation for unit i, in lb/mmBtu, as specified in column (a) of Step 1;
 HI_i = Annual heat input for unit i, in mmBtu, as specified in column (c) of Step 1;
 n = Number of units in the averaging plan

STEP 3

Mark one of
the two options
and enter dates.

- ☐ This plan is effective for calendar year _____ through calendar year _____
unless notification to terminate the plan is given.
- ☐ Treat this plan as ☐ identical plans, each effective for one calendar year for the following
calendar years: _____, _____, _____, _____ and _____ unless notification to terminate
one or more of these plans is given.

STEP 4

Read the special
provisions and
certification, enter the
name of the designated
representative, and
sign and date.

Special ProvisionsEmission Limitations

Each affected unit in an approved averaging plan is in compliance with the Acid Rain emission limitation for NO_x under the plan only if the following requirements are met:

- (i) For each unit, the unit's actual annual average emission rate for the calendar year, in lb/mmBtu, is less than or equal to its alternative contemporaneous annual emission limitation in the averaging plan, and
(a) For each unit with an alternative contemporaneous emission limitation less stringent than the applicable emission limitation in 40 CFR 76.5, 76.6, or 76.7, the actual annual heat input for the calendar year does not exceed the annual heat input limit in the averaging plan,
(b) For each unit with an alternative contemporaneous emission limitation more stringent than the applicable emission limitation in 40 CFR 76.5, 76.6, or 76.7, the actual annual heat input for the calendar year is not less than the annual heat input limit in the averaging plan, or
(ii) If one or more of the units does not meet the requirements of (i), the designated representative shall demonstrate, in accordance with 40 CFR 76.11(d)(1)(ii)(A) and (B), that the actual Btu-weighted annual average emission rate for the units in the plan is less than or equal to the Btu-weighted annual average rate for the same units had they each been operated, during the same period of time, in compliance with the applicable emission limitations in 40 CFR 76.5, 76.6, or 76.7.
(iii) If there is a successful group showing of compliance under 40 CFR 76.11(d)(1)(ii)(A) and (B) for a calendar year, then all units in the averaging plan shall be deemed to be in compliance for that year with their alternative contemporaneous emission limitations and annual heat input limits under (i).

Liability

The owners and operators of a unit governed by an approved averaging plan shall be liable for any violation of the plan or this section at that unit or any other unit in the plan, including liability for fulfilling the obligations specified in part 77 of this chapter and sections 113 and 411 of the Act.

Termination

The designated representative may submit a notification to terminate an approved averaging plan, in accordance with 40 CFR 72.40(d), no later than October 1 of the calendar year for which the plan is to be terminated.

Certification

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name	
Signature	Date

Plant Name (from Step 1)

STEP 1

Continue the identification of units from Step 1, page 1, here.

[illegible]

NO_x Averaging Plan

Under 40 CFR 76.11 any affected units under control of the same owner or operator and with the same designated representative may average their NO_x emission rate, rather than each unit complying on an individual-unit basis with the applicable emission limitation in 40 CFR 76.5, 76.6, or 76.7. Units with no common owner or operator may not average their emissions. You may submit an averaging plan (or a revision to an approved averaging plan) with the appropriate title V permitting authority(s) at any time up to and including January 1 of the calendar year for which the averaging plan will become effective. If the plan is restricted to units located within a single permitting authority's jurisdiction, you may submit the plan at any time up to and including July 1 of the calendar year for which the plan will become effective.

STEP 1

Each unit identified for inclusion in the averaging plan in Phase II must be a Group 1 or Group 2 boiler subject to an emission limitation under 40 CFR 76.5, 76.6, or 76.7. Enter each unit's applicable emission limitation from 40 CFR 76.5, 76.6, or 76.7 in column (a). If a unit with an alternative emission limitation demonstration period or a final alternative emission limitation under 40 CFR 76.10 participates in an averaging plan, enter the applicable emission limitation from 40 CFR 76.5, 76.6, or 76.7, not the interim or alternative limit, in column (a).

For units utilizing a common stack that are averaging pursuant to 40 CFR 75.17(a)(2)(i)(B), the same alternative contemporaneous emission limitation must be entered in column (b) for each unit utilizing the common stack. Different annual heat input limits may be entered for these units in column (c). Units not utilizing the common stack may also be included in the averaging plan with the common stack units.

The annual heat input limit entered at column (c) will be a minimum limit if the value in column (b) is less than the value in column (a) for that unit. It will be a maximum limit if the value in column (b) is greater than the value in column (a). The values entered for each unit at columns (b) and (c) must satisfy the formula at Step 2.

STEP 2

The entries in Step 2 must demonstrate that the Btu-weighted annual emission rate averaged over the units in the plan is less than or equal to the Btu-weighted annual average emission rate for the same units if they are each operated, during the same period of time, in compliance with the applicable emission limitations in 40 CFR 76.5, 76.6, or 76.7. Use the equation that appears in Step 2 to demonstrate that the alternative contemporaneous annual emission limitations and annual heat input values assigned to the units in Step 1 satisfy this criterion. For units with an interim emission limitation or an alternative emission limitation, the applicable emission limitation for the equation shall equal the applicable emissions limitation under 40 CFR 76.5, 76.6, or 76.7.

STEP 3

The second option is included to avoid the need to submit identical plans each for a different year if you want each plan to be effective for only one year.

Paperwork Burden Estimate

The burden on the public for collecting and reporting of information under this request is fixed per response indicated. Send comments regarding this collection of information, including suggestions for reducing the burden, to: Chief, Information Policy Branch (PM-2136), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460; and to: Paperwork Reduction Project (OMB#2060-0258), Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503. **Do not send your forms to these addresses; see paragraph (4) of the General Instructions on Page 1 for form submission information.**

FORM	HOURS
NO _x Compliance Plan	10
NO _x Averaging Plan	200



New Unit Exemption

For more information, see instructions and refer to 40 CFR 72.7

This submission is: ~ New ~ Revised

Page 1

STEP 1
Identify the new unit by plant name, State, ORIS Code (if assigned) and unit ID#.

Plant Name	State	ORIS Code	Unit ID#
------------	-------	-----------	----------

STEP 2
List to one decimal place the nameplate capacity of each generator served by the unit. Then total these entries and enter the result.

TOTAL

MWe	MWe	MWe	MWe	MWe	MWe
-----	-----	-----	-----	-----	-----

STEP 3
List all fuels currently burned or expected to be burned, by the unit and the percent sulfur content by weight of each.

Fuel (current)	Sulfur Content (current)	Fuel (expected)	Sulfur Content (expected)
	%		%
	%		%
	%		%

STEP 4
Identify the first full calendar year in which the unit meets (or will meet) the requirements of 40 CFR 72.7(a).

January 1, _____.

STEP 5
Read the special provisions.

Special Provisions

(1) The owners and operators and, to the extent applicable, the designated representative of a unit exempt under 40 CFR 72.7 shall (i) comply with the requirements of 40 CFR 72.7(a) for all periods for which the unit is exempt under 40 CFR 72.7 and (ii) comply with the requirements of the Acid Rain Program concerning all periods for which the exemption is not in effect, even if such requirements arise, or must be complied with, after the exemption takes effect.

(2) For any period for which a unit is exempt under 40 CFR 72.7, the unit is not an affected unit under the Acid Rain Program and 40 CFR parts 70 and 71 and is not eligible to be an opt-in source under 40 CFR part 74. As an unaffected unit, the unit shall continue to be subject to any other applicable requirements under 40 CFR parts 70 and 71.

(3) For a period of 5 years from the date the records are created, the owners and operators of a unit exempt under 40 CFR 72.7 shall retain at the source that includes the unit records demonstrating that the requirements of 40 CFR 72.7(a) are met. The 5-year period for keeping records may be extended for cause, at any time prior to the end of the period, in writing by the Administrator or the permitting authority. Such records shall include, for each delivery of fuel to the unit or for fuel delivered to the unit continuously by pipeline, the type of fuel, the sulfur content, and the sulfur content of each sample taken. The owners and operators bear the burden of proof that the requirements of paragraph 40 CFR 72.7(a) are met.

(4) On the earliest of the following dates, a unit exempt under 40 CFR 72.7(b), (c), or (e) shall lose its exemption and become an affected unit under the Acid Rain Program and 40 CFR parts 70 and 71: (i) the date on which the unit first serves one or more generators with total nameplate capacity in excess of 25 MWe; (ii) the date on which the unit burns any coal or coal-derived fuel except for coal-derived gaseous fuel with a total sulfur content no greater than natural gas; or (iii) January 1 of the year following the year in which the annual average sulfur content for gaseous fuel burned at the unit exceeds 0.05 percent by weight (as determined under 40 CFR 72.7(d)) or for nongaseous fuel burned at the unit exceeds 0.05 percent by weight (as determined under 40 CFR 72.7(d)). Notwithstanding 40 CFR 72.30(b) and (c), the designated representative for a unit that loses its exemption under 40 CFR 72.7 shall submit a complete Acid Rain permit application on the later of January 1, 1998 or 60 days after the first date on which the unit is no longer exempt. For the purpose of applying monitoring requirements under 40 CFR part 75, a unit that loses its exemption under 40 CFR 72.7 shall be treated as a new unit that commenced commercial operation on the first date on which the unit is no longer exempt.

Plant Name (from Step 1)

STEP 6
Read the appropriate
certification and sign
and date.

Certification (for designated representatives only)

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name	
Signature	Date

Certification (for certifying officials only)

I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name	
Signature	Date

Certification (for additional certifying officials, if applicable)

I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name	
Signature	Date

Certification (for additional certifying officials, if applicable)

I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name	
Signature	Date



Retired Unit Exemption

For more information, see instructions and refer to 40 CFR 72.8

This submission is: ~ New ~ Revised

Page 1

STEP 1
Identify the unit by plant name,
State, ORIS Code, and unit ID#.

Plant Name	State	ORIS Code	Unit ID#
------------	-------	-----------	----------

STEP 2
Identify the first full calendar
year in which the unit meets
(or will meet) the requirements
of 40 CFR 72.8(d).

January 1, _____.

STEP 3
Read the special provisions.

Special Provisions

- (1) A unit exempt under 40 CFR 72.8 shall not emit any sulfur dioxide and nitrogen oxides starting on the date that the exemption takes effect. The owners and operators of the unit will be allocated allowances in accordance with 40 CFR part 73 subpart B. If the unit is a Phase I unit, for each calendar year in Phase I, the designated representative of the unit shall submit a Phase I permit application in accordance with 40 CFR part 72 subparts C and D and an annual certification report in accordance with 40 CFR 72.90 through 72.92 and is subject to 40 CFR 72.95 and 72.96.
- (2) A unit exempt under 40 CFR 72.8 shall not resume operation unless the designated representative of the source that includes the unit submits a complete Acid Rain permit application under 40 CFR 72.31 for the unit not less than 24 months prior to the later of January 1, 2000 or the date on which the unit is first to resume operation.
- (3) The owners and operators and, to the extent applicable, the designated representative of a unit exempt under 40 CFR 72.8 shall comply with the requirements of the Acid Rain Program concerning all periods for which the exemption is not in effect, even if such requirements arise, or must be complied with, after the exemption takes effect.
- (4) For any period for which a unit is exempt under 40 CFR 72.8, the unit is not an affected unit under the Acid Rain Program and 40 CFR parts 70 and 71 and is not eligible to be an opt-in source under 40 CFR part 74. As an unaffected unit, the unit shall continue to be subject to any other applicable requirements under 40 CFR parts 70 and 71.
- (5) For a period of 5 years from the date the records are created, the owners and operators of a unit exempt under 40 CFR 72.8 shall retain at the source that includes the unit records demonstrating that the unit is permanently retired. The 5-year period for keeping records may be extended for cause, at any time prior to the end of the period, in writing by the Administrator or the permitting authority. The owners and operators bear the burden of proof that the unit is permanently retired.
- (6) On the earlier of the following dates, a unit exempt under paragraph 40 CFR 72.8(b) or (c) shall lose its exemption and become an affected unit under the Acid Rain Program and 40 CFR parts 70 and 71: (i) the date on which the designated representative submits an Acid Rain permit application under paragraph (2); or (ii) the date on which the designated representative is required under paragraph (2) to submit an Acid Rain permit application. For the purpose of applying monitoring requirements under 40 CFR part 75, a unit that loses its exemption under 40 CFR 72.8 shall be treated as a new unit that commenced commercial operation on the first date on which the unit resumes operation.

STEP 4
Read the appropriate
certification and sign
and date.

Certification (for designated representatives only)

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name

Signature	Date
-----------	------

Plant Name (from Step 1)

Retired Unit Exemption

Page 2

STEP 4, cont'd.
Read the appropriate
certification and sign
and date.

Certification (for certifying officials only)

I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name	
Signature	Date

Certification (for additional certifying officials, if applicable)

I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name	
Signature	Date

Certification (for additional certifying officials, if applicable)

I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name	
Signature	Date



Acid Rain Program

Instructions for Retired Unit

Exemption Form (40 CFR 72.8)

The Acid Rain regulations provide that an affected unit that is permanently retired is exempted from the requirements to obtain a Phase II acid rain permit, monitor emissions, and hold allowances, except for requirements concerning reduced utilization in Phase I (1995-1999). The designated representative or certifying official(s) of such a unit must submit the Retired Unit Exemption form. The provisions governing the retired unit exemption are found at 40 CFR 72.8.

Please type or print. If assistance is needed, contact the title V permitting authority.

STEP 1 Use the plant name and ORIS code listed on the Certificate of Representation (if any) for the affected source. An ORIS code is a 4 digit number assigned by the Energy Information Agency (EIA) at the U.S. Department of Energy to power plants owned by utilities. If the plant is not owned by a utility but has a 5 digit facility code (also assigned by EIA), use the facility code. If there is uncertainty regarding what the code number is, contact EIA at (202) 426-1234 (for ORIS codes), or (202) 426-1269 (for facility codes).

Identify the affected unit by providing the appropriate unit identification number. The identification number entered for the unit should be consistent with the Certificate of Representation (if any) for the affected source, with the unit identification numbers listed in NADB (for units that commenced operation prior to 1993), and with the unit identification number used in reporting to DOE and/or EIA. NADB is the National Allowance Data Base for the Acid Rain Program, and can be downloaded from the Acid Rain Program Website at "www.epa.gov/acidrain/" or obtained on diskette by calling the Acid Rain Hotline at (202) 564-9620. This data file is in dBase format for use on an IBM-compatible PC and requires 2 megabytes of hard drive memory.

STEP 2 Enter the first full calendar year in which the unit is permanently retired. The exemption becomes effective January 1 of that year, but the unit may lose the exemption as provided in 40 CFR 72.8(d)(6).

STEP 4 For a unit for which a designated representative has been authorized, the designated representative or alternate designated representative must read, sign, and date the certification at STEP 4 labeled "for designated representatives only" and submit this form.

If no designated representative has been authorized, a certifying official for each owner of the unit must read, sign, and date the certification at STEP 4 labeled "for certifying officials only" and submit this form. A certifying official is not required to submit a Certificate of Representation. If there is more than one owner of a unit for which no designated representative has been authorized, each owner of the unit must have a certifying official sign the appropriate certification at STEP 4.

Submission Deadlines

The form must be submitted by December 31 of the first year in which the unit is to be exempt.

Submission Instructions

Submit this form and 1 copy to the appropriate title V air permitting authority **and** a copy to:

U.S. Environmental Protection Agency
Acid Rain Program (6204N)
Attn: Retired Unit Exemption

by regular/certified mail:
mail:

or overnight

1200 Pennsylvania Ave, NW
Washington, DC 20460

633 3rd St., NW
Washington, DC 20001

(202)564-9150

If you have questions regarding this form, contact your local, State, or EPA Regional acid rain contact, or call EPA's Acid Rain Hotline at (202) 564-9620.

Paperwork Burden Estimate

The burden on the public for collecting and reporting of information under this request is estimated at 15 hours per response. Send comments regarding this collection of information, including suggestions for reducing the burden, to: Chief, Information Policy Branch (2136), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460; and to: Paperwork Reduction Project (OMB#2060-0258), Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503. ***Do not submit forms to these addresses; see the submission instructions above.***

Appendix B

Boilerplate Documents for VADEQ Acid Rain Permit Program

Permit Tracking Sheet Example
Permit QA/QC Review Sheet Example
Example of Title IV Public Notice
Phase II Acid Rain Permit Boilerplate
Article 3 Federal Operating Permit Boilerplate

PERMIT TRACKING SHEET

Title V – Title IV

Permit Writer: _____ Registration No.: _____

Application No.: _____ Source Name: _____

Application Date: _____ Description of Action: _____

PERMIT APPLICATION REVIEW (please fill in all applicable dates): *(Events in bold are required)*

(AIRAPPRCV)	Application Received	____/____/____
(AIRSIXLET)	60 Day Letter	____/____/____
(AIRTIMCOM)	Deemed Timely and Complete	____/____/____
(AIRTECCOM)	Deemed Technically Complete	____/____/____
	Draft to QA/QC/Compliance	____/____/____
(AIRDRFTSNT)	Draft Permit Sent To Applicant	____/____/____
(AIRPUNADV)	Public Notice Advertised	____/____/____
(AIRPNCOM)	Public Comment Period Ends	____/____/____
(AIRRESCOM)	Response to Public Comments	____/____/____
(AIRPMTEPA)	Proposed Permit To EPA Region III	____/____/____
(AIRFINPAC)	Final Permit Action	____/____/____
u:\permit\air\year	Final moved/copied to common directory	____/____/____

SAR Report Completed and Sent: ____/____/____

ELECTRONIC DISTRIBUTION (by permit writer): Upon permit signature, electronic copies of the permit are to be sent to the following individuals: (please mark with a “U”, and date when distribution is performed)

“ OAPP (Monica Harvey) Date: ____/____/____ “ DAS (?) Date: ____/____/____

“ ODA (Kotur S. Narasimhan) Date: ____/____/____

(only major permits are needed in ODA)

DISTRIBUTION (by Admin. Staff): Distribution of permit copies (please mark with a “U” and date when distribution is performed; leave blank to have admin staff send copies and date; mark with a “Y” if no distribution is necessary):

“ Source (original) Date: ____/____/____ “ Permit File (green) Date: ____/____/____

“ Permit Log Book (goldenrod) Date: ____/____/____ “ EPA (white) Date: ____/____/____

Permit Scanning Completed (by Admin. Staff): ____/____/____

CEDS Emission Coding Completed (return to permit writer): ____/____/____ Initials: _____

QA/QC REVIEW SHEET

Source Name:

Registration No.:

Permit Writer:

Reviewer:

Engineering Analysis or Draft Permit Dated:

Review Date:

☐ NSR ☐ NSPS ☐ NESHAPS ☐ MACT ☐ TITLE IV Acid Rain ☐ NOx SIP CALL

☐ Rule 5-3 Toxic ☐ Existing Source rule ☐

Yes / No

PERMIT GUIDELINE REQUIREMENTS

	Used standardized wording (i.e. boilerplate) wherever possible.
	Conditions stated as EXPLICIT meaningful limits, minimal references to other documents.
	Documents incorporated into permit, reference clearly stated in the permit.
	Requirements are reasonable, clear, legal, and enforceable as a practical matter(see below).
	Consistent with the established permit format (See QA/QC Guidelines)
	Permit limits have associated conditions concerning initial and ongoing compliance demonstration and recordkeeping (see below)
	Multiple conditions limiting the same emission, do not conflict.
	Permit (amendment) contains the non-optional standard conditions from the boilerplate.
	Outdated permit wording updated to be consistent with the most recent boilerplate language.
	Compliance staff was provided a copy of the draft.
	Permit limits fulfill applicable regulatory requirements (see below).-

Yes / No

	Incorporation of applicable standards
	Incorporation of emission control requirements
	Incorporation of compliance demonstrations
	Incorporation of testing requirements (see below)
	Incorporation of recordkeeping requirements
	Incorporation of reporting requirements
	Incorporation of notification requirements (see below)
	Applicability of public participation requirements

Yes / No

ENGINEERING ANALYSIS GUIDELINE REQUIREMENTS

	All engineering assumptions documented.
	Document each regulatory determination.
	All deviations from standardized wording identified.
	Every permit limit method of demonstrating compliance and recordkeeping requirement described.
	BACT Analysis performed.
	Mathematical Calculation double-checked
	Values transcribed to permit application correctly
	Correct emission factors
	Correct inputs and throughputs
	Used established engineering analysis format (See QA/QC Guidelines)

Reviewer's Comments: (example comments only)

1. Noted a few typos throughout docs.

Engineering Analysis:

2. Hourly Calculations: Hourly calculations for everything appear to be based on annual divided by 8760 hours per year. However, the flare appears to be limited to a throughput of landfill gas. Therefore, the most conservative approach to determine maximum hourly emissions would be dividing by (throughput/year)/(max throughput of flare/hour) to give the maximum number of hours per year, which will most probably be less than 8760. If the max number of hours per year, based on maximum throughput to the flare/hour, is less than 8760, the most conservative approach for hourly calcs, for both toxics and criteria emissions, would be using the max number of hours per year based on the max throughput to the flare and the max allowable throughput. May need to adjust your hourlies and look again at the toxics.
3. #3: If the facility originally claimed 43 mmcubic yards at 1400 lbs/cubic yd and then is now claiming 1700 lbs/cubic yd then this would increase the emission rate of the facility. Here is how I calculate this possible increase:
4. $9.15 \text{ tpy} / (1 - 98\% \text{ control}) = 457.5 \text{ tpy captured} / (.75 \text{ capture rate}) = 610 \text{ tpy uncontrolled}$ at 1400 lbs/cubic yd. Since the emission rate is based on mass of waste, not volume of waste, the mass would increase 21% $(1700 - 1400) / 1400$. There would be a 21% increase in uncontrolled emissions possibly: $610 * .21 = 128.5 \text{ tpy nmoc}$ or at 35% VOC 45 tpy VOC which would indeed trigger permitting and BACT. Possibly top down BACT? I am not sure. The uncontrolled fugitive increase would be $610 * .25 = 152.5 * .21 = 32 \text{ tpy of NMOC}$. Something you may want to explore further if necessary. My calcs are just estimates, so I may be way off.
5. #6: I don't see where this limit is defined as a max or a min. ???
6. #15: I don't see where the NSPS allows in 60.18c1 an exemption for startup, shutdown, and malfunction, but it may be in the general section of the NSPS.
7. IV.A. of the analysis and various parts of the permit: I do not understand the rationale behind allowing only one engine to be tested or, as stated in the analysis only, "The PRO compliance group will determine the number of engines to be tested during the review of the test protocol." It is very clear in guidance and in a literal reading of 40 CFR 60 that "each unit" is to be tested, nor have we allowed any other facilities since I have worked here to test only one unit or anything besides all affected units. Engines are notorious for have emissions that are based on timing and tuning as well as other factors that are not easily inspected and which can be bumped out of alignment quite easily. Also, experience with other facility testing of engines (Core Electric which also burned landfill gas) shows that retrofitted engines of identical make and model do not test identically. Lastly, if there is no adequate test data with supporting temperature measurements, I do not understand how the facility will show on going compliance.

PUBLIC NOTICE
ISSUANCE OF A PHASE II ACID RAIN PERMIT RENEWAL
AND AN ACID RAIN OPERATING PERMIT
UNDER THE STATE AIR POLLUTION CONTROL LAW

Public Notice Date: November ----, 20XX

The Department of Environmental Quality (DEQ) – West Central Regional Office has received an application for a Federal Phase II Acid Rain Permit renewal and an application for a Federal Acid Rain Operating Permit pursuant to 9 VAC 5 Chapter 80, Article 3, of the Virginia Regulations for the Control and Abatement of Air Pollution for the following source:

Source Name: ABC Company – Anywhere Plant

Registration No.: 2-----

Location: {an actual street address, not a P.O. Box number}, -----County, Virginia

The permits will be issued to the following permit holder:

Company full name: -----

Mailing Address: -----

The permits will allow the above source to continue to operate a coal-fired electric power generating facility consisting primarily of three boilers.

The draft Phase II acid rain permit renewal specifies the sulfur dioxide allowances allocated by the U.S. Environmental Protection Agency (EPA) to each affected unit as follows, in each of the calendar years 2003 through 2007: 5,533 allowances to unit 6; 1,152 allowances to unit 51; and 1,113 allowances to unit 52. Additional allowances may be obtained from other sources. One allowance authorizes the unit to emit one ton of sulfur dioxide. The draft Phase II acid rain permit renewal also limits nitrogen oxides emissions under an emission averaging plan in lieu of standard emission limits from each affected unit as follows, in each of the calendar years 2003 through 2006: 0.70 lbs/MMbtu for unit 6; 0.47 lbs/MMbtu for unit 51; and 0.47 lbs/MMbtu for unit 52. The permit will be amended prior to 2007 to revise the averaging plan for nitrogen oxides. These allowances and permit limits do not affect AEP's responsibility to meet all other existing local, state, and federal requirements related to sulfur dioxide and nitrogen oxide emissions. There will be no increase in the affected units' potential to emit nitrogen oxides and sulfur dioxide as a result of the issuance of this permit renewal. The designated representative for the Glen Lyn facility is Mr. John M. McManus of American Electric Power, 1 Riverside Plaza, Columbus, OH 43215.

Please note the draft acid rain operating permit, which incorporates the Phase II acid rain permit by reference, is being concurrently reviewed as a proposed permit by the EPA.

The DEQ will accept comments for 30 days following the appearance of this notice in the newspaper. Only those comments received within this period will be considered. The DEQ will hold a public hearing if response is significant. Any comments received that request a public hearing must include the following: (1) The name, mailing address and telephone number of the requester. (2) If appropriate, the names and addresses of all persons for whom the requester is acting as a representative. (3) The reason why a hearing is requested, including the air quality concern or concerns that forms the basis for the request. (4) A brief, informal statement setting forth the factual nature and the extent of the interest of the requester or of the persons for whom the

requester is acting as representative, including information on how the operation of the facility under consideration affects the requester. Information on the proposed permit actions and the format for hearing requests may be obtained by contacting -----, DEQ, West Central Regional Office, 3019 Peters Creek Road, Roanoke, VA 24019, (540) 562-6761, or -----@deq.state.va.us on any business day between the hours of 8:30 a.m. and 4:30 p.m.

Regional Director

PUBLIC HEARING NOTICE – ACID RAIN OPERATING PERMIT

The Department of Environmental Quality, Fredericksburg Satellite Office (DEQ-FSO) shall conduct a public hearing on -----, 20XX, beginning promptly at 7 p.m., in accordance with Virginia Administrative Code, 9 VAC 5-80-1100 of its regulations, in the Auditorium of ----- High School, -----, Virginia. (Please note that if the school is closed due to inclement weather, the public hearing will be re-scheduled.) The hearing shall be held to consider an application from ----- (company name) to construct and operate a simple cycle combustion turbine station. The site is approximately 1.5 miles east of the Town of ----- in ----- County, Virginia. The proposed site consists of four (4) GE (7FA) simple cycle dual fuel combustion turbines (CT) and associated auxiliary equipment. The maximum rated heat input capacity for each of the GE (7FA) CTs is 1,964 MMBtu/hr. Each GE (7FA) CT's associated electrical generator is designed to produce a maximum of 197.1 MW.

The DEQ staff has completed its review of the permit application and is ready to receive public comments. The public may examine the application package at the DEQ, Fredericksburg Office, 806 Westwood Office Park, Fredericksburg, Virginia 22401, (540) 899-4600, on each business day between the hours of 8:30 a.m. and 4:30 p.m. until -----, 20XX.

The air pollutant of concern inherent to -----(company name) CT operations is Nitrogen Oxides (NOx). The facility wide pollution limit proposed by the construct and operate permit is 247.6 tons per year (tpy) of NOx. Additional pollutant levels are: 99.1 tpy of Carbon Monoxide (CO), 52.6 tpy of Particulate Matter, 26.5 tpy of Sulfur Dioxides (SO₂), and 10.3 tpy of Volatile Organic Compounds (VOC).

The DEQ staff will present an informational briefing describing the proposed project and the Department's rationale for its determination, to interested individuals on -----, 20XX, in the Auditorium of ----- High School beginning at 6:30 p.m. Following the presentation, the DEQ staff will answer questions related to the air quality issues affecting this project. Information exchanged during the briefing will not be part of the public record.

Persons desiring to make a statement concerning this application at the hearing are requested to enter their names on a sign-up sheet to be provided, beginning 60 minutes before the public hearing and to furnish the hearing officer with two copies of their testimony, and the original of any exhibits. Oral testimony will be given based on the order of the sign-up sheet, and the length of the testimony shall be determined by the hearing officer. In lieu of oral testimony, written comments may be submitted during the public hearing or to the DEQ, Fredericksburg Office up to the end of business hours on -----, 20XX. Testimony, exhibits and comments presented or made during the public comment period are part of the public record.

Regional Director

PUBLIC NOTICE
DRAFT PHASE II ACID RAIN PERMIT

The Department of Environmental Quality (DEQ) - Southwest Regional Office has received an application for renewal of a Phase II Acid Rain Permit pursuant to 9 VAC Chapter 80, Part II, Article 3 for the Control and Abatement of Air Pollution for the following source:

Source Name: ----- Plant
Owner/Operator: ABC Company
Mailing Address: -----
Plant Location: (street address), ----- County, Virginia

The proposed permit renewal will be issued pursuant to the Code of Federal Regulations, Title 40, Parts 72 through 76, and 9 VAC 5 Chapter 80 Part II, Article 3 (Acid Rain Operating Permits) of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. The Clinch River Plant produces electric power from the combustion of coal in Units 1, 2, and 3. The intent of the permit is to renew the facility's current Phase II Acid Rain Permit for the time period extending from January 1, 20XX to December 31, 20XX. The proposed permit will not result in increases in the actual or potential emissions from the ----- Plant. The issuance of this permit will not affect ABC Company's responsibility to meet all other existing local, state, and federal requirements related to nitrogen oxide and sulfur dioxide emissions.

The DEQ is ready to receive comments on the draft permit and will accept comments for 30 days following the appearance of this notice in the newspaper. Only those comments received prior to the conclusion of the 30-day comment period will be considered. Please note this draft permit is being concurrently reviewed as a proposed permit by the Environmental Protection Agency.

DEQ will accept written requests for a public hearing during the 30-day comment period. Any comments received that request a public hearing must include the following: (1) The name, mailing address and telephone number of the requester. (2) If appropriate the names and addresses of all persons for whom the requester is acting as a representative. (3) The reason why a hearing is requested, including the air quality concern or concerns that forms the basis for the request. (4) A brief, informal statement setting forth the factual nature and the extent of the interest of the requester or of the persons for whom the requester is acting as representative, including information on how the operation of the facility under consideration affects the requester. Information on the proposed permit action and the format for hearing requests may be obtained by contacting -----, DEQ Southwest Regional Office, P.O. Box 1688, Abingdon, VA 24212-1688, (276) 676-4800 on any business day between the hours of 8:30 a.m. and 4:30 p.m. The draft permit and supporting materials may be viewed at the Southwest Regional Office.

Regional Director

PHASE II ACID RAIN PERMIT

[This permit supersedes your Phase II Acid Rain permit approved on {permit approval date}]

Issued to: {facility name}
Operated by: «Company»
Location: «CountyCity»
Registration No.: «RegNo»
AFS ID No.: 51-«CountyNo»-«PlantNo»
ORIS code: {ORIS Code}
Effective: January 1, 20XX
Expires: December 31, 20XX+4

Acid Rain Permit Contents

1. Statement of Basis.
2. SO₂ allowances allocated under this permit and NO_x requirements for each affected unit.
3. Additional requirements or conditions, and any comments, notes and justifications regarding permit decisions and changes made to the permit application forms during the review process.
4. The permit application submitted for this source [including the attached NO_x compliance plan][and NO_x Averaging Plan][, as corrected by the Commonwealth of Virginia Department of Environmental Quality] ({number of pages} pages).

Permit Approval

Approved on: {date}

Robert G. Burnley
Director

Permit consists of a total of {number of pages} pages, including the attached permit application,
[and][the attached NOx compliance plan][and the attached NOx Compliance Plan].

1. Statement of Basis. (9 VAC 5-80-490 B.2)

Statutory and Regulatory Authorities: In accordance with the Air Pollution Control Law of Virginia §10.1-1308 and §10.1-1322, the Environmental Protection Agency (EPA) Final Full Approval of the Operating Permits Program (Titles IV and V) published in the Federal Register December 4, 2001, Volume 66, Number 233, Rules and Regulations, Pages 62961-62967 and effective November 30, 2001, and Title 40, the Code of Federal Regulations §§72.1 through 76.16, the Commonwealth of Virginia Department of Environmental Quality issues this permit pursuant to 9 VAC 5 Chapter 80, Article 3 of the Virginia Regulations for the Control and Abatement of Air Pollution (Acid Rain Operating Permits).

2. SO₂ Allowance Allocations and NO_x Requirements for affected units. (9 VAC 5-80-490 A.4)

{Example of limits for a coal-fired unit with SO₂ allowances in Part 73 Tables:}

		20XX	20XX+1	20XX+2	20XX+3	20XX+4
	SO ₂ allowances, under Table 2, 40 CFR Part 73. (tons)	XXXX (See 3.B.1)	XXXX (See 3.B.1)	XXXX (See 3.B.1)	XXXX (See 3.B.1)	XXXX (See 3.B.1)
Unit W	NO _x limit	<p>Pursuant to 40 CFR Part 76, the Commonwealth of Virginia Department of Environmental Quality approves a standard NO_x compliance plan for unit W, effective for calendar year 20XX through calendar year 20XX+4. Under the NO_x compliance plan, this unit's annual average NO_x emission rate for each year, determined in accordance with 40 CFR Part 75, shall not exceed the applicable emission limitation under [40 CFR 76.7(a)(1), of 0.40 lb/mmBtu of heat input for tangentially fired boilers][40 CFR 76.7(a)(2), of 0.46 lb/mmBtu of heat input for dry bottom wall-fired boilers not applying cell burner technology][40 CFR 76.6(a)(1), of 0.68 lb/mmBtu of heat input for cell burner boilers][40 CFR 76.6(a)(2), of 0.86 lb/mmBtu of heat input for cyclone boilers][40 CFR 76.6(a)(3), of 0.84 lb/mmBtu of heat input for wet bottom boilers][40 CFR 76.6(a)(4), of 0.80 lb/mmBtu of heat input for vertically fired boilers].</p> <p>In addition to the described compliance plan, this unit shall comply with all other applicable requirements of 40 CFR Part 76, including the duty to reapply for a NO_x compliance plan and requirements covering excess emissions.</p>				

*{Example of limits for a coal-fired unit with **no SO₂ allowance** in Part 73 Tables: }*

		20XX	20XX+1	20XX+2	20XX+3	20XX+4
Unit W	SO ₂ allowances, allocated by U. S. EPA. (tons)	None. (See 3.B.1 and 3.B.2)	None. (See 3.B.1 and 3.B.2)	None. (See 3.B.1 and 3.B.2)	None. (See 3.B.1 and 3.B.2)	None. (See 3.B.1 and 3.B.2)
	NO _x limit	<p>Pursuant to 40 CFR Part 76, the Commonwealth of Virginia Department of Environmental Quality approves a standard NO_x compliance plan for unit W, effective for calendar year 20XX through calendar year 20XX+4. Under the NO_x compliance plan, this unit's annual average NO_x emission rate for each year, determined in accordance with 40 CFR Part 75, shall not exceed the applicable emission limitation under [40 CFR 76.7(a)(1), of 0.40 lb/mmBtu of heat input for tangentially fired boilers][40 CFR 76.7(a)(2), of 0.46 lb/mmBtu of heat input for dry bottom wall-fired boilers not applying cell burner technology][40 CFR 76.6(a)(1), of 0.68 lb/mmBtu of heat input for cell burner boilers][40 CFR 76.6(a)(2), of 0.86 lb/mmBtu of heat input for cyclone boilers][40 CFR 76.6(a)(3), of 0.84 lb/mmBtu of heat input for wet bottom boilers][40 CFR 76.6(a)(4), of 0.80 lb/mmBtu of heat input for vertically fired boilers].</p> <p>In addition to the described compliance plan, this unit shall comply with all other applicable requirements of 40 CFR Part 76, including the duty to reapply for a NO_x compliance plan and requirements covering excess emissions.</p>				

*{Example of limits for a gas or oil-fired unit (no NO_x **requirement**) with SO₂ allowances in Part 73 Tables: }*

		20XX	20XX+1	20XX+2	20XX+3	20XX+4
Unit X	SO ₂ allowances, under Table 2, 40 CFR Part 73. (tons)	XXXX (See 3.B.1)	XXXX (See 3.B.1)	XXXX (See 3.B.1)	XXXX (See 3.B.1)	XXXX (See 3.B.1)

*{Example of limits for a gas or oil-fired unit (no NO_x requirement) with **no** SO₂ allowance in Part 73 Tables:}*

		20XX	20XX+1	20XX+2	20XX+3	20XX+4
Unit X	SO ₂ allowances, allocated by U. S. EPA. (tons)	None. (See 3.B.1 and 3.B.2)	None. (See 3.B.1 and 3.B.2)	None. (See 3.B.1 and 3.B.2)	None. (See 3.B.1 and 3.B.2)	None. (See 3.B.1 and 3.B.2)

*{Example of limits for a Phase II coal-fired **Early Election** unit:}*

		20XX	20XX+1	20XX+2	20XX+3	20XX+4
Unit Y	SO ₂ allowances, under Table 2, 40 CFR Part 73. (tons)	XXXX (See 3.B.1)	XXXX (See 3.B.1)	XXXX (See 3.B.1)	XXXX (See 3.B.1)	XXXX (See 3.B.1)
	NO _x limit (See 3.C.1)	<p>Pursuant to 40 CFR 76.8(d)(2), the Commonwealth of Virginia Department of Environmental Quality approves a NO_x early election compliance plan for unit Y. The compliance plan is effective for calendar year 20XX through calendar year 20XX+4. Under the compliance plan, this unit's annual average NO_x emission rate for each year, determined in accordance 40 CFR Part 75, shall not exceed the applicable emission limitation, under [40 CFR 76.5 (a)(1), of 0.45 lb/mmBtu of heat input for tangentially fired boilers][40 CFR 76.5 (a)(2), of 0.50 lb/mmBtu for dry bottom wall-fired boilers]. If this unit is in compliance with its applicable emission limitation for each year of the plan, then the unit shall not be subject the applicable emission limitation under [40 CFR §76.7(a)(1) of 0.40 lb/mmBtu for tangentially fired boilers][40 CFR §76.7(a)(2) of 0.46 lb/mmBtu for dry bottom wall-fired boilers] until calendar year 2008.</p> <p>In addition to the described NO_x compliance plan, this unit shall comply with all other applicable requirements of 40 CFR Part 76 including the duty to reapply for a NO_x compliance plan and requirements covering excess emissions.</p>				

*{Example of a unit included in **one** NO_x emissions averaging plan that runs for several years:}*

		20XX	20XX+1	20XX+2	20XX+3	20XX+4
Unit Z	SO ₂ allowances, under Table 2, 40 CFR Part 73. (tons)	XXXX (See 3.B.1)	XXXX (See 3.B.1)	XXXX (See 3.B.1)	XXXX (See 3.B.1)	XXXX (See 3.B.1)
	NO _x limit	<p>Pursuant to 40 CFR 76.11, the Commonwealth of Virginia Department of Environmental Quality approves a NO_x emission averaging plan for unit Z, effective for calendar year 20XX through calendar year 20XX+4. Under the plan, this unit's NO_x emissions shall not exceed the annual average alternative contemporaneous emission limitation of {insert the unit ACEL from column B in the plan} lb/mmBtu. [{omit the entire next sentence if the ACEL and the standard in the plan are identical:} In addition, this unit shall not have an annual heat input [greater than {use "greater than" if the ACEL is greater than the standard}][less than {use "less than" if the ACEL is less than the standard}] {insert the annual heat input value from column C in the plan} mmBtu.]</p> <p>Under the plan, the actual Btu-weighted annual average NO_x emission rate for the units in the plan shall be less than or equal to the Btu-weighted annual average NO_x emission rate for the same units had they been operated, during the same period of time, under the applicable emissions limitations under 40 CFR §§76.5, 76.6, or 76.7, except that for early election units, the applicable emission limitations shall be under §76.7. If the designated representative demonstrates that the requirement of the prior sentence (as set forth in 40 CFR §76.11(d)(1)(ii)(A)) is met for a year under the plan, then this unit shall be deemed to be in compliance for that year with its alternative contemporaneous annual emission limitation and annual heat input limit.</p> <p>[{required for multiple permitting authority plans:} In accordance with 40 CFR §72.40(b)(2), approval of the averaging plan shall be final only when {other permitting authorities} [have][has] also approved the averaging plan.]</p>				

		<p><i>[{required for averaging plan units that are also early election plan units:} Notwithstanding the averaging plan described above, if this unit exceeds its applicable NO_x emission limitation under 40 CFR §76.8 (early election) of [0.45 lb/mmBtu for tangentially fired boilers][0.50 lb/mmBtu for dry bottom wall-fired boilers]the early election plan for this unit shall be terminated in accordance with 40 CFR §76.8(e), and the unit shall meet, beginning on the effective date of the termination, the applicable NO_x emission limitation under 40 CFR §76.7. Such termination shall not terminate the averaging plan described above.]</i></p> <p>In addition to the described NO_x compliance plan, this unit shall comply with all other applicable requirements of 40 CFR Part 76 including the duty to reapply for a NO_x compliance plan, and requirements covering excess emissions.</p>
--	--	---

*{Example of a unit included in **multiple identical NO_x averaging plans**, each for a single year:}*

		20XX	20XX+1	20XX+2	20XX+3	20XX+4
Unit Z	SO ₂ allowances, under Table 2, 40 CFR Part 73. (tons)	XXXX (See 3.B.1)	XXXX (See 3.B.1)	XXXX (See 3.B.1)	XXXX (See 3.B.1)	XXXX (See 3.B.1)
	NO _x limit	Pursuant to 40 CFR 76.11, the Commonwealth of Virginia Department of Environmental Quality approves {number of plans} NO _x emission averaging plans for unit Z. Each plan is effective for one calendar year for the years 20XX, 20XX+1, 20XX+2, 20XX+3, and 20XX+4. Under each plan, this unit's NO _x emissions shall not exceed the annual average alternative contemporaneous emission limitation of {insert the unit ACEL from column B in the plan} lb/mmBtu. [<i>{omit the entire next sentence if the ACEL and the standard in the plan are identical:}</i>] In addition, this unit shall not have an annual heat input [greater than {use "greater than" if the ACEL is greater than the standard}][less than {use "less than" if the ACEL is less than the standard}] {insert the annual heat input value from column C in the plan} mmBtu.]				

	<p>Under the plans, the actual Btu-weighted annual average NO_x emission rate for the units in the plan shall be less than or equal to the Btu-weighted annual average NO_x emission rate for the same units had they been operated, during the same period of time, under the applicable emissions limitations under 40 CFR §§76.5, 76.6, or 76.7, except that for early election units, the applicable emission limitations shall be under §76.7. If the designated representative demonstrates that the requirement of the prior sentence (as set forth in 40 CFR §76.11(d)(1)(ii)(A)) is met for a year under the plan, then this unit shall be deemed to be in compliance for that year with its alternative contemporaneous annual emission limitation and annual heat input limit.</p> <p><i>[{required for multiple permitting authority plans: } In accordance with 40 CFR §72.40(b)(2), approval of the averaging plans shall be final only when {other permitting authorities} [have][has] also approved this averaging plan.]</i></p> <p><i>[{required for averaging plan units that are also early election plan units: } Notwithstanding the averaging plans described above, if this unit exceeds its applicable NO_x emission limitation under 40 CFR §76.8 (early election) of [0.45 lb/mmBtu for tangentially fired boilers][0.50 lb/mmBtu for dry bottom wall-fired boilers]the early election plan for this unit shall be terminated in accordance with 40 CFR §76.8(e), and the unit shall meet, beginning on the effective date of the termination, the applicable NO_x emission limitation under 40 CFR §76.7. Such termination shall not terminate the averaging plans described above.]</i></p> <p>In addition to the described NO_x compliance plan, this unit shall comply with all other applicable requirements of 40 CFR Part 76 including the duty to reapply for a NO_x compliance plan and requirements covering excess emissions.</p>
--	---

*{Example of a unit included in **multiple non-identical NO_x averaging plans**, each for a single year. }*

		20XX	20XX+1	20XX+2	20XX+3	20XX+4
	SO ₂ allowances, under Table 2, 40 CFR Part 73. (tons)	XXXX (See 3.B.1)	XXXX (See 3.B.1)	XXXX (See 3.B.1)	XXXX (See 3.B.1)	XXXX (See 3.B.1)

Unit Z

NO _x ACEL (lb/mmBtu)					
Heat Input Limit (mmBtu)					
Maximum or Minimum					
NO _x limit	<p>Pursuant to 40 CFR 76.11, the Commonwealth of Virginia Department of Environmental Quality approves {number of plans} NO_x emission averaging plans for unit Z. Each plan is effective for one calendar year for the years 20XX, 20XX+1, 20XX+2, 20XX+3, and 20XX+4. Under each plan, this unit's NO_x emissions shall not exceed the annual average alternative contemporaneous emission limitation, and this unit shall meet the annual heat input limit listed above for the applicable year.</p> <p>Under each plan, the actual Btu-weighted annual average NO_x emission rate for the units in the plan shall be less than or equal to the Btu-weighted annual average NO_x emission rate for the same units had they been operated, during the same period of time, under the applicable emissions limitations under 40 CFR §§76.5, 76.6, or 76.7, except that for early election units, the applicable emission limitations shall be under §76.7. If the designated representative demonstrates that the requirement of the prior sentence (as set forth in 40 CFR §76.11(d)(1)(ii)(A)) is met for a year under the plan, then this unit shall be deemed to be in compliance for that year with its alternative contemporaneous annual emission limitation and annual heat input limit.</p> <p>[{<i>required for multiple permitting authority plans:</i>} In accordance with 40 CFR §72.40(b)(2), approval of the averaging plans shall be final only when {other permitting authorities} [have][has] also approved the averaging plans.]</p>				

		<p><i>[{required for averaging plan units that are also early election plan units:} Notwithstanding the averaging plans described above, if this unit exceeds its applicable NO_x emission limitation under 40 CFR §76.8 (early election) of [0.45 lb/mmBtu for tangentially fired boilers][0.50 lb/mmBtu for dry bottom wall-fired boilers]the early election plan for this unit shall be terminated in accordance with 40 CFR §76.8(e), and the unit shall meet, beginning on the effective date of the termination, the applicable NO_x emission limitation under 40 CFR §76.7. Such termination shall not terminate the averaging plans described above.]</i></p> <p>In addition to the described NO_x compliance plan, this unit shall comply with all other applicable requirements of 40 CFR Part 76 including the duty to reapply for a NO_x compliance plan and requirements covering excess emissions.</p>
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3. Additional Requirements, Notes, Comments, and Justifications.

A. Additional Requirements:

- (1) «Company» shall submit a complete permit application that includes all of the information required under 40 CFR §§72.21 and 72.31 [and includes a complete NO_x compliance plan in accordance with 40 CFR §76.9(c)] at least 6 months, but no earlier than 18 months, prior to the date of expiration of the existing Phase II Acid Rain permit. EPA forms shall be used.
 (9 VAC 5-80-430 C.5)
- (2) []

B. Notes.

- (1) SO₂ allowances may be acquired from other sources in addition to those allocated by U.S. EPA. No revision to this permit is necessary in order for the owners and operators of this unit to hold additional allowances recorded in accordance with 40 CFR Part 73. The owners and operators of this unit remain obligated to hold sufficient allowances to account for SO₂ emissions from this unit in accordance with 40 CFR 72.9(c)(1).
 (9 VAC 5-80-420 C.1 and H.1 and 9 VAC 5-80-490 O)
- (2) [This unit was not eligible for SO₂ allowance allocation by U.S. EPA under Section 405 of the Clean Air Act and the Acid Rain Program, so none were assigned in 40 CFR Part 73, Table 2.

(9 VAC 5-80-420 C.6)]

(3) []

C. [Comments:]

(1) [{*Example of a comment for a Phase II coal-fired Early Election unit.*}«Company» may include unit Y in a NO_x averaging plan only if the applicable emission limitation under [40 CFR 76.7(a)(1), of 0.40 lb/mmBtu of heat input for tangentially fired boilers][40 CFR 76.7(a)(2), of 0.46 lb/mmBtu of heat input for dry bottom wall-fired boilers] is used for this unit in determining compliance with such a plan.
(9 VAC 5-80-420 D)]

(2) [None.]

D. [Justifications:]

(1) [{*Example of a justification for not giving a NO_x requirement for a gas or oil-fired unit under 40 CFR Part 76:*}Unit X is a gas-fired or oil-fired unit and is not subject to NO_x limitations under 40 CFR Part 76.
(9 VAC 5-80-420 D)]

(2) [{*Example of a justification for not giving any requirements for a related heat recovery unit under 40 CFR Part 76:*} The heat from Unit X is recovered by a heat steam recovery generator labeled Unit X1. Unit X1 is not equipped with any fuel firing capabilities, and is therefore not subject to acid rain requirements under 40 CFR Parts 72 through 76.
(9 VAC 5-80-420 D)]

(3) [None.]

4. **Phase II Acid Rain Permit Application.** The attached permit application is incorporated into the Phase II Acid Rain permit by reference, [including the attached NO_x Compliance Plan] [and attached NO_x Averaging Plan]. The owners and operators of the source shall comply with the standard requirements and special provisions set forth in the application.
(9 VAC 5-80-440 and 9 VAC 5-80-490 A.4.a and c, B, C, E, F, M, O and P)

This document has been formatted to be printed double-sided.

The following version of the “Article 3 Federal Operating Permit” boilerplate was edited on Friday October 24, 2003. This edition replaces all earlier versions of the “Acid Rain Operating Permit” or “Article 3 FOP” boilerplates to include the January 23, 2003 document that was provided in the original Permit Writer’s Guide.

Several minor alterations and corrections to the text have been made since the last revision. None of these corrections represent a significant alteration.

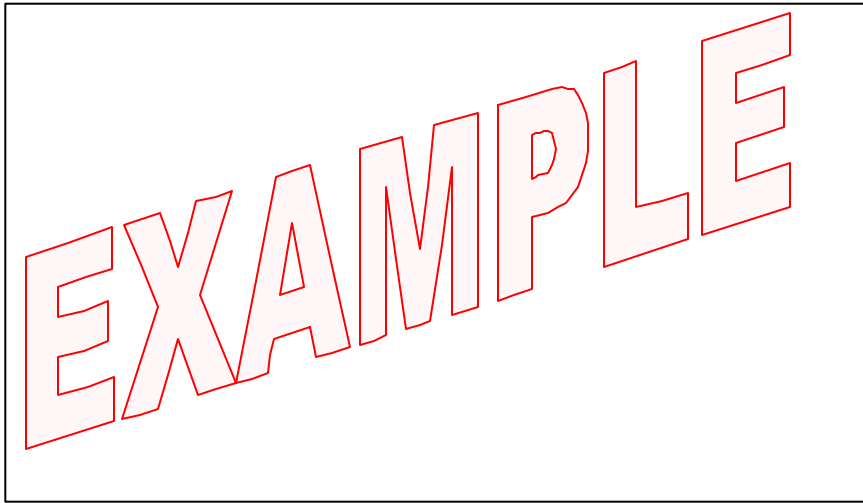
This document has been altered to match the latest version of the Federal Operating Permit Article 1 boilerplate, dated July 8, 2003.

Frank Burbank
804-698-4115

Edited on Friday, October 24, 2003

[Facility Name]
Permit Number: XRO00000

Blank Page



Edited on Friday, October 24, 2003

[Facility Name]
Permit Number: XRO00000

General Instructions: information and editorial descriptions are provided within brackets, and in Red Font. These blocks are to be deleted prior to issuing of the permit.

Text in Blue Font are areas to be completed by the permit writer which are either optional or where they are provided more than one choice.

[DEQ Letterhead]

**Article 3
Federal Operating Permit**

This permit is based upon Federal Clean Air Act acid rain permitting requirements of Title IV, federal operating permit requirements of Title V; and Chapter 80, Article 3 and Chapter 140 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, 10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, 9 VAC 5-80-360 through 9 VAC 5-80-700, and 9 VAC 5-140-10 through 9 VAC 5-140-900 {the Chapter 140 citations will only be included if the facility is a NOx emission trading source} of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	[name]
Facility Name:	[name]
Facility Location:	[street] [city, state]
VA Registration Number:	[Registration no.] [XRO00000 (X = RO; 00000=registration #)]

This permit includes the following programs:

Federally Enforceable Requirements - Clean Air Act (Sections I through IX)

Edited on Friday, October 24, 2003

[Facility Name]
Permit Number: XRO00000

Federally Enforceable Requirements - Title IV Acid Rain (Section X)

Federally Enforceable Requirements - NO_x Budget Trading Requirements (Section XI)

State Only Enforceable Requirements (Section XII)

{Optional text}

[The permit application submitted for this source [including the attached NO_x compliance plan][and NO_x Averaging Plan][, as corrected by the Commonwealth of Virginia Department of Environmental Quality] has been attached to this document. ({number of pages}).

The Phase II Acid Rain Permit (Effective Date _____) has been attached to this document. ({number of pages}).]

JANUARY 1, 20XX

Effective Date

DECEMBER 31, 20XX plus four years

Expiration Date

NOTE: [Acid Rain annual reporting and emission results are to be reported for each calendar year. Control Period emission results are not to be divided between separate yearly reports or consecutive editions of operating permits. Hence the requirement for the permit to become effective on January 1st and expire on December 31st. In most cases, the permit will become effective on January 1 of the year after the permit is approved.]

{The maximum effective period of an Federal Operating Permit Article 3 will be five years. This effective period can be set for a shorter period of time. For example, if a valid Phase II Acid Rain Permit has been already issued to the facility, this permit's valid period will be timed to expire on the same day as the existing Phase II.}

Robert G. Burnley
Director, Department of Environmental Quality

Signature - Date

Table of Contents, [2 pages](#)

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Edited on Friday, October 24, 2003

[Facility Name]
Permit Number: XRO00000

Permit Conditions, _____ pages

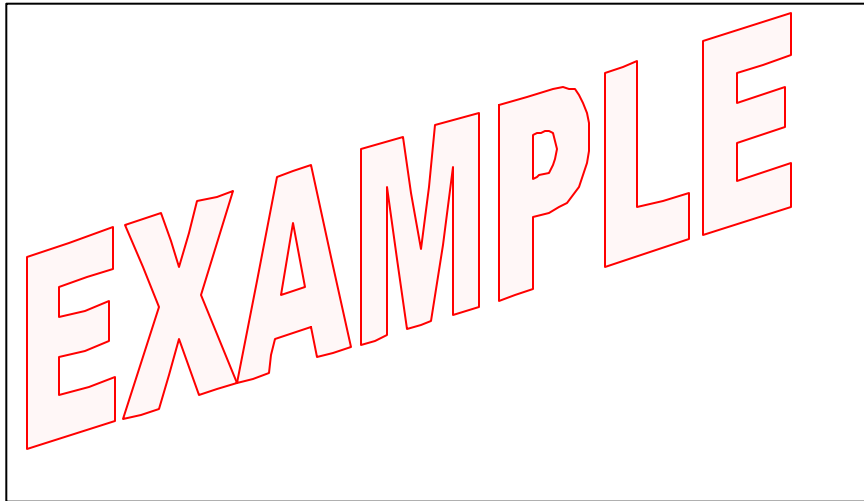


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I. Facility Information

Permittee Information (owner, operator, or company name)

{insert permittee name}
{Insert Mailing Address here}
{Insert City, State, Zip here}

Responsible Official

{Official's Name}
{Official's Title}

It has been recently confirmed that the USEPA has combined aspects of the databases for the Acid Trading Program (ATS) and the NO_x Trading Program (NATS). Presuming that the same individual has been named as both the Designated Representative and the Authorized Account Representative the ATS ID and the AAR ID numbers will be the same value and does not have to be entered twice.

Acid Rain Designated Representative (if different than above)

{Official's Name}
{Official's Title}
{USEPA ATS AAR ID number} [example]

{The Acid Rain Representative and Authorized Account Representative's ID numbers must be provided when applicable.}

NO_x Budget Trading Authorized Account Representative (if applicable and different than above)

{Official's Name}
{Official's Title}
{USEPA AAR ID number}

Facility ID [The site's actual location if different than Permittee's address]

{insert facility name}
{Insert street address or location here}
{Insert City, State, Zip here}

Facility Contact person (if different than Responsible Official)

{Contact Name}
{Contact Title}
{Phone Number}

AFS Identification Number: 51-{county code} – {plant code} [previously known as the
AIRS Identification Number.]

ORIS Code and/or EIA Facility ID (for non-EGU units) : xxxxx

NATS Facility Identification Number: xxxxxx

Facility Description: SIC Code(s) [number] and NAISC ID Code [use both the SIC and NAISC
IDs on all future permits] – {Enter description of what the activities of the plant are. Include a
description consistent with each SIC –NAISC Code applicable to the plant. The description
should also include each alternate operating scenario applied for by the applicant and provided
for in the permit.}

EXAMPLE

Edited on Friday, October 24, 2003

[Facility Name]
Permit Number: XRO00000
Page 3

II. Emission Units

Equipment to be operated consists of: [Shaded areas are for instructional purposes and are not intended to be included in the draft or final permit. Insert additional rows as needed. Include dashes (- -) or N/A for any inapplicable sections.]

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant Controlled	Applicable Permit Date *
Provide the emission unit reference number.	Provide the stack number for the emission unit.	Provide a brief description of unit including manufacturer's name, model and date of construction if known.	Size and maximum rated capacity in units consistent with the standard or industry convention.	Provide brief description of control device including manufacturer's name, model number and date of construction if known.	Provide the PCD identification number.	Identify pollutant controlled.	Date of current permit and amendments that did not supersede permit.
Fuel Burning Equipment / Utility Units							
Manufacturing Process Unit A							
Manufacturing Process Unit B							

* Note: If more than one date is included, please add footnote clarifying which date is for permit and which dates are for amendments.

III. Fuel Burning Equipment Requirements - (emission unit ID#)

Note: { Include a permit condition number in the regulatory citation of each applicable requirement that is in a minor NSR permit. Regulatory citations may be different for your particular emission unit. For example a new source will have different citations than an existing source. }

A. Limitations

1. _____ emissions from the _____ boilers shall be controlled by the use of _____.
(9 VAC 5-80-490 B & C and Condition _ of x/x/xx Permit).
2. The approved fuels for the _____ boilers are natural gas and distillate oil. Distillate oil is defined as fuel oil that meets the specifications for fuel oil numbers 1 or 2 under the American Society for Testing and Materials, ASTM D396-78 "Standard Specification for Fuel Oils". A change in the fuels may require a permit to modify and operate.
(9 VAC 5-80-490 B & C and Condition _ of x/x/xx Permit)
3. The maximum sulfur content of the oil to be burned in the boilers shall not exceed _____ percent by weight per shipment. (40 CFR 60._____) [Provide applicable performance standard from 40 CFR 60]
([9 VAC 5-50-410], (9 VAC 5-80-490 B & C, [and Condition _ of x/x/xx Permit)
4. The _____ shall not operate more than _____ hours per _____.
(9 VAC 5-80-490 B & C, and Condition _ of x/x/xx Permit)
5. The _____ boiler(s) shall consume no more than _____ million cubic feet of natural gas and _____ gallons of distillate oil per year, calculated as the sum of each consecutive twelve (12) month period.
(9 VAC 5-80-110 B & C or 9 VAC 5-80-490 B & C, and Condition _ of x/x/xx Permit)
6. Emissions from the operation of the _____ boiler(s) shall not exceed the limits specified below: {Only one of the three quoted regulations shall be applied to each listed pollutant}

Total Suspended Particulate	Lbs./hr	Tons/year	(9 VAC 5-50-260, 270, or 280)
PM-10	Lbs./hr	Tons/year	(9 VAC 5-50-260, 270, or 280)
Sulfur Dioxide	Lbs./hr	Tons/year	(9 VAC 5-50-260, 270, or 280)
Nitrogen Oxides (as NO ₂)	Lbs./hr	Tons/year	(9 VAC 5-50-260, 270, or 280)
Carbon Monoxide	Lbs./hr	Tons/year	(9 VAC 5-50-260, 270, or 280)
Volatile Organic Compounds	Lbs./hr	Tons/year	(9 VAC 5-50-260, 270, or 280)

(9 VAC 5-80-490 B & C, and Condition _ of x/x/xx Permit)

7. Visible emissions from each of the ___ boiler stack(s) shall not exceed _____ percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed _____ percent opacity.

([9 VAC 5-40-80 or 9 VAC 5-50-80] and (9 VAC 5-80-490 B & C)

8. Boiler emissions shall be controlled by proper operation and maintenance. Boiler operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at minimum.

(9 VAC 5-80-490 B & C, and Condition _ of x/x/xx Permit)

[The following condition is optional and only required by the NOx Budget Trading Program requirements. This condition is to be included when one or more of the fuel burning equipment will be listed as 25-ton exemption units under the NOx SIP Call.]

9. The unit has been classified as a 25-ton Exempted Unit under the NOx Budget Trading Program. The facility has agreed to limit NOx emissions for the unit to less than _____ (a value of 25 tons or less) tons during the NOx Control Period and less than 50 tons per year.

To meet this emission limitation the unit will be limited to consuming (gas or fuel oil) only. Based on the maximum rated heat input of the unit (_____mmBTU/hr) multiplied by the highest default NOx emission rate (_____lbs./mmBTU) the____(Unit ID)____ shall not operate more than_____ hours per NOx Control Period, and no more than _____ hours per year.
(9 VAC 5-140-40 B)

B. Monitoring [or Monitoring and Recordkeeping] [Optional Section]

{List all instrumental monitoring systems and routine visual inspections required to insure practical enforceability. Examples follow}

[- Fabric Filters: The fabric filter shall be equipped with a device to continuously measure the differential pressure drop across the fabric filter. The device shall be installed in an accessible location and shall be maintained by the permittee such that it is in proper working order at all times.]

[- Cyclones: An annual internal inspection shall be conducted on the cyclone by the permittee to insure structural integrity.]

[- Scrubbers: The scrubber shall be equipped with a flow meter [and a device to continuously measure the differential pressure through the scrubber.]

[other control devices]

(9 VAC 5-80-490 E and Condition _ of x/x/xx Permit)

C. Recordkeeping

1. The permittee shall obtain a certification from the fuel supplier with each shipment of distillate oil. Each fuel supplier certification shall include the following:

- a. The name of the fuel supplier,
 - b. The date on which the oil was received,
 - c. The volume of distillate oil delivered in the shipment,
 - d. A statement that the oil complies with the American Society for Testing and Materials specifications for fuel oil numbers 1 and 2, and
 - e. The sulfur content of the oil.
([9 VAC 5-50-410], 9 VAC 5-80-490 F, and Condition ___ of x/x/xx Permit)
2. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Director, XXXXX Region. These records shall include, but are not limited to:
- a. The daily and annual throughput of natural gas (in million cubic feet) and distillate oil (in 1000 gallons) for the two boilers. The annual throughput shall be calculated as the sum of each consecutive twelve (12) month period.
 - b. All fuels supplier certifications.
 - c. These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
([9 VAC 5-50-50] and 9 VAC 5-80-490 F)
3. The permittee shall maintain records of the required training including a statement of time, place and nature of training provided. The permittee shall have available good written operating procedures and a maintenance schedule for the boiler. These procedures shall be based on the manufacturer's recommendations, at minimum. All records required by this condition shall be kept on site and made available for inspection by the DEQ.
(9 VAC 5-80-490 C and Condition _ of x/x/xx Permit)

D. Testing

1. [The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports will be provided at the appropriate locations.
([9 VAC 5-40-30 or 9 VAC 5-50-30] and 9 VAC 5-80-490 E & F)]
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

{Only the rows of the following table for those pollutants that have permit restricted emission limits applied have to been listed in the permit itself.}.

Pollutant	Test Method (40 CFR Part 60, Appendix A)
VOC	EPA Methods 18, 25, 25a
VOC	EPA Methods 24, 24a
NOx	EPA Method 7
SO2	EPA Method 6
CO	EPA Method 10
PM/PM10	EPA Methods 5, 17
Visible Emission	EPA Method 9

(9 VAC 5-80-490 E)

E. Reporting

The permittee shall submit fuel quality reports to the Director of the VADEQ's XXXXX Regional Office, within 30 days after the end of each calendar quarter. If no shipments of distillate oil were received during the calendar quarter, the quarterly report shall simply consist of a statement that no oil was received during the calendar quarter. If distillate oil was received during the calendar quarter the reports shall include:

1. The dates of the fuel deliveries during the calendar quarter,
2. A copy of all fuel supplier certifications for all shipments of distillate oil received during the calendar quarter or a quarterly summary from each fuel supplier that includes the information specified in _____ for each shipment of distillate oil, and
3. A signed statement from the owner or operator of the facility that the fuel supplier certifications or summaries of fuel supplier certifications represent all of the distillate oil burned or received at the facility.
([9 VAC 5-50-50 E], and 9 VAC 5-80-490 F)

IV. Process Equipment Requirements - (Emission Unit ID#)

Note: {Include a permit condition number in the Regulatory citation of each applicable requirement that is in a minor NSR permit. Regulatory citations may be different for your particular emission unit. For example a new source will have different citations than an existing source.}

A. Limitations

1. _____ emissions from the _____ shall be controlled by _____. The _____ shall be provided with adequate access for inspection.
(9 VAC 5-80-490 C, and Condition _ of x/x/xx Permit)
2. The _____ shall [consume or process] no more than _____ per _____, calculated as the sum of each consecutive _____ period.
(9 VAC 5-80-490 B, and Condition _ of x/x/xx Permit)

3. The _____ shall not operate more than _____ hours per _____.
(9 VAC 5-80-490 B, and Condition _ of x/x/xx Permit)
4. The annual [throughput or production] of _____ shall not exceed _____, calculated monthly as the sum of each consecutive 12 month period.
(9 VAC 5-80-490 B, and Condition _ of x/x/xx Permit)
5. Visible emissions from the _____ process shall not exceed _____ percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed _____ percent opacity.
(9 VAC [5-40-80 or 5-50-80], and 9 VAC 5-80-490 B)
6. Emissions from the operation of the _____ process shall not exceed the limits specified below: (Only one of the three quoted regulations shall be applied to each listed pollutant)

Total Suspended Particulate	Lbs./hr	Tons/year	(9 VAC 5-50-260, 270, or 280)
PM-10	Lbs./hr	Tons/year	(9 VAC 5-50-260, 270, or 280)
Sulfur Dioxide	Lbs./hr	Tons/year	(9 VAC 5-50-260, 270, or 280)
Nitrogen Oxides (as NO ₂)	Lbs./hr	Tons/year	(9 VAC 5-50-260, 270, or 280)
Carbon Monoxide	Lbs./hr	Tons/year	(9 VAC 5-50-260, 270, or 280)
Volatile Organic Compounds	Lbs./hr	Tons/year	(9 VAC 5-50-260, 270, or 280)

(9 VAC 5-80-490 B and Condition _ of x/x/xx Permit)

B. Monitoring [or Monitoring and Recordkeeping] [Optional]

{List all instrumental monitoring systems and routine visual inspections required to insure practical enforceability. Examples follow}

[- Fabric Filters: The fabric filter shall be equipped with a device to continuously measure the differential pressure drop across the fabric filter. The device shall be installed in an accessible location and shall be maintained by the permittee such that it is in proper working order at all times.]

[- Cyclones: An annual internal inspection shall be conducted on the cyclone by the permittee to insure structural integrity.]

[- Scrubbers: The scrubber shall be equipped with a flow meter [and a device to continuously measure the differential pressure through the scrubber.]

[other control devices]

(9 VAC 5-80-490 E, and Condition _ of x/x/xx Permit)

C. Recordkeeping [Optional]

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, XXXXX Region. These records shall include, but are not limited to:

1. Annual throughput of _____, calculated monthly as the sum of each consecutive twelve (12) month period.
2. Hours of operation of the _____.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

([9 VAC 5-50-50] 9 VAC 5-80-490 F and Condition _ of x/x/xx Permit)

D. Testing

1. [The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports will be provided at the appropriate locations.
([9 VAC 5-40-30 or 9 VAC 5-50-30] and 9 VAC 5-80-490 E & F)]
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

{Only the rows of the following table for those pollutants that have permit restricted emission limits applied have to be completed}.

Pollutant	Test Method (40 CFR Part 60, Appendix A)
VOC	EPA Methods 18, 25, 25a
VOC	EPA Methods 24, 24a
NOx	EPA Method 7
SO2	EPA Method 6
CO	EPA Method 10
PM/PM10	EPA Methods 5, 17
Visible Emission	EPA Method 9

(9 VAC 5-80-490 E & F)

E. Reporting [Optional]

Include this sub section if required. Text will follow the format of Section III E.

V. Facility Wide Conditions

Note: {Include a permit condition number in the Regulatory citation of each applicable requirement that is in a minor NSR permit. Regulatory citations may be different for your particular emission unit. For example a new emission source will have different citations than an those of an existing emission source.}

A. Limitations

1. _____ emissions from the facility shall not exceed _____ tons per year, calculated monthly as the sum of each consecutive twelve (12) month period.
(9 VAC 5-80-1180 9 VAC 5-50-260 or 270 or 280, 9 VAC 5-80-490 B, and Condition _ of x/x/xx Permit)
2. The facility shall not operate more than _____ hours per _____.
9 VAC 5-50-160 & 170, 9 VAC 5-80-490 B, and Condition ____ of x/x/xx Permit)
3. Emissions from the operation of the facility shall not exceed the limits specified below: {Only one of the three quoted regulations shall be applied to each listed pollutant}

Total Suspended Particulate	Lbs./hr	Tons/year	(9 VAC 5-50-260, 270, or 280)
PM-10	Lbs./hr	Tons/year	(9 VAC 5-50-260, 270, or 280)
Sulfur Dioxide	Lbs./hr	Tons/year	(9 VAC 5-50-260, 270, or 280)
Nitrogen Oxides (as NO ₂)	Lbs./hr	Tons/year	(9 VAC 5-50-260, 270, or 280)
Carbon Monoxide	Lbs./hr	Tons/year	(9 VAC 5-50-260, 270, or 280)
Volatile Organic Compounds	Lbs./hr	Tons/year	(9 VAC 5-50-260, 270, or 280)

(9 VAC 5-80-490 B, and Condition _ of x/x/xx Permit)

B. Monitoring [or Monitoring and Recordkeeping] [Optional]

{List all instrumental monitoring systems and routine visual inspections required to insure practical enforceability. Examples follow}

[- Fabric Filters: The fabric filter shall be equipped with a device to continuously measure the differential pressure drop across the fabric filter. The device shall be installed in an accessible location and shall be maintained by the permittee such that it is in proper working order at all times.]

[- Cyclones: An annual internal inspection shall be conducted on the cyclone by the permittee to insure structural integrity.]

[- Scrubbers: The scrubber shall be equipped with a flow meter [and a device to continuously measure the differential pressure through the scrubber.]

[other control devices]

(9 VAC 5-80-490 E, and Condition ____ of x/x/xx Permit)

C. Recordkeeping

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrated compliance with this permit. The content of and format of such records shall be arranged with the Director, XXXXX Region. These records shall include, but are not limited to:

1. Annual throughput of _____, calculated monthly as the sum of each consecutive twelve (12) month period.
2. Hours of operation of the _____.
3. These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
([9 VAC 5-50-50], 9 VAC 5-80-490 F, and Condition _ of x/x/xx Permit)

D. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports will be provided at the appropriate locations.
([9 VAC 5-40-30 or 9 VAC 5-50-30] and 9 VAC 5-80-490 E & F)]
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

{Only the rows of the following table for those pollutants that have permit restricted emission limits applied have to be completed}.

Pollutant	Test Method (40 CFR Part 60, Appendix A)
VOC	EPA Methods 18, 25, 25a
VOC	EPA Methods 24, 24a
NOx	EPA Method 7
SO2	EPA Method 6
CO	EPA Method 10
PM/PM10	EPA Methods 5, 17
Visible Emission	EPA Method 9

(9 VAC 5-80-490 E & F)

E. Reporting [Optional]

If this section is included the text will follow the format of Section III E.

VI. Insignificant Emission Units

{This section and table should be included in every permit, even if there are no insignificant activities identified in the permit application. If no insignificant activities have been identified, note **None Identified** in the first row of the table}

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation 9 VAC 5-80-720 A, or B, or C	Pollutant(s) Emitted (if applicable to 9 VAC 5-80-720 B)	Rated Capacity (if applicable to 9 VAC 5-80-720 C)

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, monitoring, recordkeeping and reporting shall not be required for these emission units in accordance with 9 VAC 5-80-490 C, E, and F .

VII. Compliance Plan

{ The entire Compliance Plan section is optional. It is for air emission sources not operating in regulatory compliance at the time of permitting.}

A. Description of Compliance Requirements

1. The permittee is subject to the compliance schedule described below. The schedule includes a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in noncompliance at the time of permit issuance. This compliance schedule resembles and is at least as stringent as that contained in any judicial consent decree or Board order to which the source is subject. This schedule is supplemental to, and does not sanction noncompliance with the applicable requirements upon which it is based.
(9 VAC 5-80-90 I.3.c and 9 VAC 5-80-440 I)

B. Compliance Schedule

1. By {insert date here}, the permittee shall provide to DEQ confirmation of the date by which contracts for emission control systems or process modifications are to be awarded, or confirmation of the date by which orders are to be issued for the purchase of component parts to accomplish emission control or process modification.

(9 VAC 5-80-440 or 450 and 9 VAC 5-80-490 K.3)

2. By {insert date here}, the permittee shall begin on-site construction or installation of emission control equipment or process change.
(9 VAC 5-80-440 I or 450 9 VAC 5-80-490 K.3)
3. By {insert date here}, the permittee shall have completed on-site construction or installation of emission control equipment or process modification.
(9 VAC 5-80-440 I or 450 9 VAC 5-80-490 K.3)
4. By {insert date here}, the permittee shall have achieved final compliance.
(9 VAC 5-80-440 I or 450 9 VAC 5-80-490 K.3)

C. Reporting Requirements

Within 14 days of the dates provided in Section B “**Compliance Schedule**” above, the permittee shall provide written confirmation that the milestone has been achieved. If the milestone is not achieved by the date required in the compliance schedule, the source shall, within 14 days of the date, provide a written explanation of the reason the compliance date was not met, a proposed alternate date and a statement as to the impact on the final compliance date. Extension of a compliance date may be cause for modification of this permit.
(9 VAC 5-80- 440)

D. Certified Progress Report

The permittee shall submit a certified progress report semi-annually detailing the progress made toward completion of the milestones in Section B “**Compliance Schedule**” above. The progress report must be certified by a responsible official and shall contain the following:

1. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved.
2. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.
(9 VAC 5-80-470 I.4 and 9 VAC 5-80-490 K.4)

VIII. Permit Shield & Inapplicable Requirements

{This section and table referring to inapplicable requirements should remain in the permit even if the permit application did not identify specific inapplicable requirements of the facility. If no inapplicable requirements were identified note that fact in the table.}

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Non Applicability

Nothing in this permit shield shall alter the provisions of ' 303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to ' 114 of the federal Clean Air Act, (ii) the Board pursuant to ' 10.1-1314 or ' 10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to ' 10.1-1307.3 of the Virginia Air Pollution Control Law.
 (9 VAC 5-80-500)

IX. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
 (9 VAC 5-80-490 N)

B. Permit Expiration

1. This permit has a fixed term of five years. The expiration date shall be the date five years from the effective date of the permit. Unless the owner submits a timely and complete renewal application to DEQ consistent with 9 VAC 5-80-430, the right of the facility to operate shall terminate upon permit expiration.
 {The permit can be set to expire for a period of less than five years if required to bring the enforcement period into concurrence with other permits. }
2. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
3. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 3, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-510.
4. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-430 for a renewal permit, except in compliance with a permit issued under Article 3, Part II of 9 VAC 5 Chapter 80.

5. If an applicant submits a timely and complete application under section 9 VAC 5-80-430 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-500, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
6. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-430 shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-430 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.
(9 VAC 5-80-430 B, C and F, 9 VAC 5-80-490 D and 9 VAC 5-80-530 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.
(9 VAC 5-80-490 F)
2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-490 F)

{The dates listed in Item 3 and 3.A are suggested dates only. Other dates may be inserted at the discretion of the Regional Office}

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than March 1 and September 1 of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-430 G and shall include:

- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 inclusive and July 1 to December 31 inclusive.
- b. All deviations from permit requirements. For purposes of this permit, a deviation includes, but are not limited to:
 - Exceedance of emissions limitations or operational restrictions,
 - Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
 - Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period." The time period included in the report. The time periods to be addressed are (9 VAC 5-80-490 F)

D. Annual Compliance Certification

[The March 1 submission date listed in this condition is recommended. Another date may be set at the discretion of the regional office.]

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to ' 114(a)(3) and ' 504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with VAC 5-80-430 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. A description of the means for assessing or monitoring the compliance of the source with its emissions limitations, standards, and work practices.
3. The identification of each term or condition of the permit that is the basis of the certification.
4. Consistent with subsection 9 VAC 5-80-490 E, the method or methods used for determining the compliance status of the source at the time of certification and over the certification period.

5. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
6. The status of compliance with the terms and conditions of this permit for the certification period.
7. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.
(9 VAC 5-80-490 K.5)

E. Permit Deviation Reporting

[Note: If a facility does not have any continuous monitors that are required to meet 9 VAC 5-40-40C or 9 VAC 5-50-50 C then the bracketed information below can be deleted.]

The permittee shall notify the Director, XXX Region within four daytime business hours, after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. [Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40.] The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition IX.C.3. of this permit.
(9 VAC 5-80-490 F.2)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after discovery, notify the Director, XXXX Region by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14-days provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. [Owners subject to the

requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40.] When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, XXXX Region.

(9 VAC 5-20-180 C)

1. The emission units that have continuous monitors subject to 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not subject to the two week written notification.
2. The emission units subject to the reporting and the procedure requirements of 9 VAC 5-40-50 C and the procedures of 9 VAC 5-50-50 C are listed below:
 - a. Unit name
 - b. Unit name
 - c. {list all subjected emission units}
3. Each owner required to install a continuous monitoring system subject to 9 VAC 5-40-41 or 9 VAC 5-50-410 shall submit a written report of excess emissions (as defined in the applicable emission standard) to the board for every calendar quarter. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter and shall include the following information:
 - a. The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h) or 9 VAC 5-40-41 B 6, any conversion factors used, and the date and time of commencement and completion of each period of excess emissions;
 - b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the source. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted;
 - c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and

- d. When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted, such information shall be stated in the report.

4. All emission units not subject to 9 VAC 5-40-50 C and 9 VAC 5-50-50 C must make written reports within 14 days of the malfunction occurrence.
(9 VAC 5-20-180 C, 9 VAC 5-40-50, and 9 VAC 5-50-50)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-490 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
(9 VAC 5-80-490 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-490 G.3)

J. Permit Modification

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9 VAC 5-80-490 G and L)(9 VAC 5-80-550 and 9 VAC 5-80-660)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-490 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the board, within a reasonable time, any information that the board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the board along with a claim of confidentiality.
(9 VAC 5-80-490 G.6)
2. Any document (including reports) required in a permit condition to be submitted to the board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-430 G.9.
(9 VAC 5-80-490 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-360 through 9 VAC 5-80-700 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 et seq. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-490 H)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited, to the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;

3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and
5. The prompt removal of spilled or traced dirt or other materials from paved streets and of dried sediments resulting from soil erosion.
(9 VAC 5-40-20 E, 9 VAC 5-50-90, and 9 VAC 5-50-50)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
(9 VAC 5-40-20 E, and 9 VAC 5-50-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-500 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80 Article 3.
(9 VAC 5-80-490 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.

3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.
(9 VAC 5-80-490 K.2)

R. Reopening For Cause

The permit shall be reopened by the board if additional federal requirements become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-430 F.

1. The permit shall be reopened if the board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-490 D.
(9 VAC 5-80-490 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.
(9 VAC 5-80-510 G)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another or from one piece of equipment to another.
(9 VAC 5-80-520)

2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-560.
(9 VAC 5-80-520)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-560.
(9 VAC 5-80-520)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-490 F.2.b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.

4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.
(9 VAC 5-80-650)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 3. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any of the grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-490 G & L, 9 VAC 5-80-640 and 9 VAC 5-80-660)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submits such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-430 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substance subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A - F)

Y. Asbestos Requirements

[The asbestos condition is not required if the facility states within the body of its application that it does not contain any asbestos.]

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).
(9 VAC 5-60-70 and 9 VAC 5-80-490 A)

Z. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68) (check to see if there is a VAC citation)

AA. Changes to Permits for Emissions Trading

No permit revision shall be required, under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-490 I)

BB. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-490 except subsection N shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-500 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-360 through 9 VAC 5-80-700.
(9 VAC 5-80-490 I)

X. Title IV (Phase II Acid Rain) Permit Allowances and Requirements

[Optional Text: If a valid PHASE II Permit is in effect at the time the Article 3 Federal Operating Permit is issued the existing document can be attached. The following text should be used. If a Phase II permit has not been prepared, the appropriate Acid Rain conditions as provided over the seven pages should be included.]

Phase II Permit - *The attached Phase II permit is incorporated into this permit by reference, [including the attached NO_x Compliance Plan] [and attached NO_x Averaging Plan OPTIONAL]. The owners and operators of the source shall comply with the standard requirements and special provisions set forth in the application.
(9 VAC 5-80-440 and 9 VAC 5-80-490 A.4.a and c, B, C, E, F, M, O and P)]*

{or the Article 3 Federal Operating Permit will include the appropriate following conditions}

A. Statutory and Regulatory Authorities

In accordance with the Air Pollution Control Law of Virginia §10.1-1308 and §10.1-1322, the Environmental Protection Agency (EPA) Final Full Approval of the Operating Permits Program (Titles IV and V) published in the Federal Register December 4, 2001, Volume 66, Number 233, Rules and Regulations, Pages 62961-62967 and effective November 30, 2001, and Title 40, the Code of Federal Regulations §§72.1 through 76.16, the Commonwealth of Virginia Department of Environmental Quality issues this permit pursuant to 9 VAC 5 Chapter 80, Article 3 of the Virginia Regulations for the Control and Abatement of Air Pollution (Federal Operating Permit Article 3). (9 VAC 5-80-490 B.2)

{This paragraph is to be copied into the separate Statement of Basis document developed to support the Article 3 Federal Operating Permit. This separate Statement of Basis document will otherwise be identical to the SOB template developed for the Title V program.}

B. SO₂ Allowance Allocations and NO_x Requirements for affected units
(9 VAC 5-80-490 A.4)

{Example of limits for a coal-fired unit with SO₂ allowances in Part 73 Tables:}

		20XX	20XX+1	20XX+2	20XX+3	20XX+4
Unit W	SO ₂ allowances, under Table 2, 40 CFR Part 73. (tons)	XXXX ¹	XXXX ¹	XXXX ¹	XXXX ¹	XXXX ¹
	NO _x limit	Pursuant to 40 CFR Part 76, the Commonwealth of Virginia Department of Environmental Quality approves a standard NO _x compliance plan for unit W, effective for calendar year 20XX through calendar year 20XX+4. Under the NO _x compliance plan, this unit's annual average NO _x emission rate for each year, determined in accordance with 40 CFR Part 75, shall not exceed the applicable emission limitation under [40 CFR 76.7(a)(1), of 0.40 lb./mmBtu of heat input for tangentially fired boilers][40 CFR 76.7(a)(2), of 0.46 lb./mmBtu of heat input for dry bottom wall-fired boilers not applying cell burner technology][40 CFR 76.6(a)(1), of 0.68 lb./mmBtu of heat input for cell burner boilers][40 CFR 76.6(a)(2), of 0.86 lb./mmBtu of heat input for cyclone boilers][40 CFR 76.6(a)(3), of 0.84 lb./mmBtu of heat input for wet bottom boilers][40 CFR 76.6(a)(4), of 0.80 lb./mmBtu of heat input for vertically fired boilers].				

	In addition to the described compliance plan, this unit shall comply with all other applicable requirements of 40 CFR Part 76, including the duty to reapply for a NO _x compliance plan and requirements covering excess emissions.
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¹ See Sub section C.1

EXAMPLE

{Example of limits for a coal-fired unit with **no SO₂ allowance** in Part 73 Tables:}

		20XX	20XX+1	20XX+2	20XX+3	20XX+4
Unit W	SO ₂ allowances, allocated by U. S. EPA. (tons)	None ¹	None ¹	None ¹)	None ¹	None ¹
	NO _x limit	<p>Pursuant to 40 CFR Part 76, the Commonwealth of Virginia Department of Environmental Quality approves a standard NO_x compliance plan for unit W, effective for calendar year 20XX through calendar year 20XX+4. Under the NO_x compliance plan, this unit's annual average NO_x emission rate for each year, determined in accordance with 40 CFR Part 75, shall not exceed the applicable emission limitation under [40 CFR 76.7(a)(1), of 0.40 lb./mmBtu of heat input for tangentially fired boilers][40 CFR 76.7(a)(2), of 0.46 lb./mmBtu of heat input for dry bottom wall-fired boilers not applying cell burner technology][40 CFR 76.6(a)(1), of 0.68 lb./mmBtu of heat input for cell burner boilers][40 CFR 76.6(a)(2), of 0.86 lb./mmBtu of heat input for cyclone boilers][40 CFR 76.6(a)(3), of 0.84 lb./mmBtu of heat input for wet bottom boilers][40 CFR 76.6(a)(4), of 0.80 lb./mmBtu of heat input for vertically fired boilers].</p> <p>In addition to the described compliance plan, this unit shall comply with all other applicable requirements of 40 CFR Part 76, including the duty to reapply for a NO_x compliance plan and requirements covering excess emissions.</p>				

{Example of limits for a gas or oil-fired unit (no NO_x **requirement**) with SO₂ allowances in Part 73 Tables:}

		20XX	20XX+1	20XX+2	20XX+3	20XX+4
Unit X	SO ₂ allowances, under Table 2, 40 CFR Part 73. (tons)	XXXX ²	XXXX ²	XXXX ²	XXXX ²	XXXX ²

¹ See Subsection C.1 and C.2 .a and C.2.b

² See Subsection C.1

{Example of limits for a gas or oil-fired unit (no NO_x requirement) with no SO₂ allowance in Part 73 Tables:}

		20XX	20XX+1	20XX+2	20XX+3	20XX+4
Unit X	SO ₂ allowances, allocated by U. S. EPA. (tons)	None. ¹	None. ¹	None. ¹	None. ¹	None. ¹

{Example of limits for a Phase-II coal-fired ~~Early Election~~ unit:}

		20XX	20XX+1	20XX+2	20XX+3	20XX+4
Unit Y	SO ₂ allowances, under Table 2, 40 CFR Part 73. (tons)	XXXX ²	XXXX ²	XXXX ²	XXXX ²	XXXX ²
	NO _x limit (See 3.C.1)	<p>Pursuant to 40 CFR 76.8(d)(2), the Commonwealth of Virginia Department of Environmental Quality approves a NO_x early election compliance plan for unit Y. The compliance plan is effective for calendar year 20XX through calendar year 20XX+4. Under the compliance plan, this unit's annual average NO_x emission rate for each year, determined in accordance 40 CFR Part 75, shall not exceed the applicable emission limitation, under [40 CFR 76.5 (a)(1), of 0.45 lb./mmBtu of heat input for tangentially fired boilers][40 CFR 76.5 (a)(2), of 0.50 lb./mmBtu for dry bottom wall-fired boilers]. If this unit is in compliance with its applicable emission limitation for each year of the plan, then the unit shall not be subject the applicable emission limitation under [40 CFR §76.7(a)(1) of 0.40 lb./mmBtu for tangentially fired boilers][40 CFR §76.7(a)(2) of 0.46 lb./mmBtu for dry bottom wall-fired boilers] until calendar year 2008.</p> <p>In addition to the described NO_x compliance plan, this unit shall comply with all other applicable requirements of 40 CFR Part 76 including the duty to reapply for a NO_x compliance plan and requirements covering excess emissions.</p>				

¹ See Subsection C.1 and C.2 .a and C.2.b

² See Subsection C.1

{Example of a unit included in **one NO_x emissions averaging plan** that runs for several years:}

		20XX	20XX+1	20XX+2	20XX+3	20XX+4
Unit Z	SO ₂ allowances, under Table 2, 40 CFR Part 73. (tons)	XXXX ²	XXXX ²	XXXX ²	XXXX ²	XXXX ²
	NO _x limit	<p>Pursuant to 40 CFR 76.11, the Commonwealth of Virginia Department of Environmental Quality approves a NO_x emission averaging plan for unit Z, effective for calendar year 20XX through calendar year 20XX+4. Under the plan, this unit's NO_x emissions shall not exceed the annual average alternative contemporaneous emission limitation of {insert the unit ACEL from column B in the plan} lb./mmBtu. [<i>omit the entire next sentence if the ACEL and the standard in the plan are identical.</i>] In addition, this unit shall not have an annual heat input [greater than {use "greater than" if the ACEL is greater than the standard}][less than {use "less than" if the ACEL is less than the standard}] {insert the annual heat input value from column C in the plan} mmBtu.]</p> <p>Under the plan, the actual Btu-weighted annual average NO_x emission rate for the units in the plan shall be less than or equal to the Btu-weighted annual average NO_x emission rate for the same units had they been operated, during the same period of time, under the applicable emissions limitations under 40 CFR §§76.5, 76.6, or 76.7, except that for early election units, the applicable emission limitations shall be under §76.7. If the designated representative demonstrates that the requirement of the prior sentence (as set forth in 40 CFR §76.11(d)(1)(ii)(A)) is met for a year under the plan, then this unit shall be deemed to be in compliance for that year with its alternative contemporaneous annual emission limitation and annual heat input limit.</p> <p>[<i>required for multiple permitting authority plans.</i>]In accordance with 40 CFR §72.40(b)(2), approval of the averaging plan shall be final only when {other permitting authorities} [have][has] also approved the averaging plan.]</p>				

		<p>[{required for averaging plan units that are also early election plan units.}] Notwithstanding the averaging plan described above, if this unit exceeds its applicable NO_x emission limitation under 40 CFR §76.8 (early election) of [0.45 lb./mmBtu for tangentially fired boilers][0.50 lb./mmBtu for dry bottom wall-fired boilers]the early election plan for this unit shall be terminated in accordance with 40 CFR §76.8(e), and the unit shall meet, beginning on the effective date of the termination, the applicable NO_x emission limitation under 40 CFR §76.7. Such termination shall not terminate the averaging plan described above.]</p> <p>In addition to the described NO_x compliance plan, this unit shall comply with all other applicable requirements of 40 CFR Part 76 including the duty to reapply for a NO_x compliance plan, and requirements covering excess emissions.</p>
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¹ See Subsection C.1 and C.2.a and C.2.b

² See Subsection C.1

{Example of a unit included in **multiple identical NO_x averaging plans**, each for a single year:}

		20XX	20XX+1	20XX+2	20XX+3	20XX+4
Unit Z	SO ₂ allowances, under Table 2, 40 CFR Part 73. (tons)	XXXX ²	XXXX ²	XXXX ²	XXXX ²	XXXX ²
	NO _x limit	<p>Pursuant to 40 CFR 76.11, the Commonwealth of Virginia Department of Environmental Quality approves {number of plans} NO_x emission averaging plans for unit Z. Each plan is effective for one calendar year for the years 20XX, 20XX+1, 20XX+2, 20XX+3, and 20XX+4. Under each plan, this unit's NO_x emissions shall not exceed the annual average alternative contemporaneous emission limitation of {insert the unit ACEL from column B in the plan} lb./mmBtu. <i>[{omit the entire next sentence if the ACEL and the standard in the plan are identical:}]</i> In addition, this unit shall not have an annual heat input [greater than {use "greater than" if the ACEL is greater than the standard}][less than {use "less than" if the ACEL is less than the standard}] {insert the annual heat input value from column C in the plan} mmBtu.]</p> <p>Under the plans, the actual Btu-weighted annual average NO_x emission rate for the units in the plan shall be less than or equal to the Btu-weighted annual average NO_x emission rate for the same units had they been operated, during the same period of time, under the applicable emissions limitations under 40 CFR §§76.5, 76.6, or 76.7, except that for early election units, the applicable emission limitations shall be under §76.7. If the designated representative demonstrates that the requirement of the prior sentence (as set forth in 40 CFR §76.11(d)(1)(ii)(A)) is met for a year under the plan, then this unit shall be deemed to be in compliance for that year with its alternative contemporaneous annual emission limitation and annual heat input limit.</p> <p><i>[{required for multiple permitting authority plans:}]</i>In accordance with 40 CFR §72.40(b)(2), approval of the averaging plans shall be final only when {other permitting authorities} [have][has] also approved this averaging plan.]</p>				

		<p>[{required for averaging plan units that are also early election plan units.}] Notwithstanding the averaging plans described above, if this unit exceeds its applicable NO_x emission limitation under 40 CFR §76.8 (early election) of [0.45 lb./mmBtu for tangentially fired boilers][0.50 lb./mmBtu for dry bottom wall-fired boilers]the early election plan for this unit shall be terminated in accordance with 40 CFR §76.8(e), and the unit shall meet, beginning on the effective date of the termination, the applicable NO_x emission limitation under 40 CFR §76.7. Such termination shall not terminate the averaging plans described above.]</p> <p>In addition to the described NO_x compliance plan, this unit shall comply with all other applicable requirements of 40 CFR Part 76 including the duty to reapply for a NO_x compliance plan and requirements covering excess emissions.</p>
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¹ See Subsection C.1 and C.2.a and C.2.b

² See Subsection C.1

{Example of a unit included in **multiple non-identical NO_x averaging plans**, each for a single year.}

		20XX	20XX+1	20XX+2	20XX+3	20XX+4
Unit Z	SO ₂ allowances, under Table 2, 40 CFR Part 73. (tons)	XXXX ²	XXXX ²	XXXX ²	XXXX ²	XXXX ²
	NO _x ACEL (lb./mmBtu)					
	Heat Input Limit (mmBtu)					
	Maximum or Minimum					
	NO _x limit	<p>Pursuant to 40 CFR 76.11, the Commonwealth of Virginia Department of Environmental Quality approves {number of plans} NO_x emission averaging plans for unit Z. Each plan is effective for one calendar year for the years 20XX, 20XX+1, 20XX+2, 20XX+3, and 20XX+4. Under each plan, this unit's NO_x emissions shall not exceed the annual average alternative contemporaneous emission limitation, and this unit shall meet the annual heat input limit listed above for the applicable year.</p> <p>Under each plan, the actual Btu-weighted annual average NO_x emission rate for the units in the plan shall be less than or equal to the Btu-weighted annual average NO_x emission rate for the same units had they been operated, during the same period of time, under the applicable emissions limitations under 40 CFR §§76.5, 76.6, or 76.7, except that for early election units, the applicable emission limitations shall be under §76.7. If the designated representative demonstrates that the requirement of the prior sentence (as set forth in 40 CFR §76.11(d)(1)(ii)(A)) is met for a year under the plan, then this unit shall be deemed to be in compliance for that year with its alternative contemporaneous annual emission limitation and annual heat input limit.</p> <p>[{required for multiple permitting authority plans.}] In accordance with 40 CFR §72.40(b)(2), approval of the averaging plans shall be final only when {other permitting authorities} [have][has] also approved the averaging plans.]</p>				

	<p>[{required for averaging plan units that are also early election plan units.} Notwithstanding the averaging plans described above, if this unit exceeds its applicable NO_x emission limitation under 40 CFR §76.8 (early election) of [0.45 lb./mmBtu for tangentially fired boilers][0.50 lb./mmBtu for dry bottom wall-fired boilers]the early election plan for this unit shall be terminated in accordance with 40 CFR §76.8(e), and the unit shall meet, beginning on the effective date of the termination, the applicable NO_x emission limitation under 40 CFR §76.7. Such termination shall not terminate the averaging plans described above.]</p> <p>In addition to the described NO_x compliance plan, this unit shall comply with all other applicable requirements of 40 CFR Part 76 including the duty to reapply for a NO_x compliance plan and requirements covering excess emissions.</p>
<p>¹ See Subsection C.1 and C.2.a and C.2.b</p>	
<p>² See Subsection C.1</p>	

C. Additional Requirements, Notes, Comments, and Justifications.

1. Additional Requirements:

<<Company name>> shall submit a complete permit application that includes all of the information required under 40 CFR §§72.21 and 72.31 [and includes a complete NO_x compliance plan in accordance with 40 CFR §76.9(c)] at least 6 months, but no earlier than 18 months, prior to the date of expiration of the existing Phase II Acid Rain permit. EPA forms shall be used.
(9 VAC 5-80-430 C.5)

2. Notes.

- a. SO₂ allowances may be acquired from other sources in addition to those allocated by U.S. EPA. No revision to this permit is necessary in order for the owners and operators of this unit to hold additional allowances recorded in accordance with 40 CFR Part 73. The owners and operators of this unit remain obligated to hold sufficient allowances to account for SO₂ emissions from this unit in accordance with 40 CFR 72.9(c)(1).
(9 VAC 5-80-420 C.1 and H.1 and 9 VAC 5-80-490 O)
- b. [This unit was not eligible for SO₂ allowance allocation by U.S. EPA under Section 405 of the Clean Air Act and the Acid Rain Program, so none were assigned in 40 CFR Part 73, Table 2.
(9 VAC 5-80-420 C.6)]

3. [Comments:] Optional

- a. *[{Example of a comment for a Phase II coal-fired Early Election unit.}]*
<<company>> may include unit Y in a NO_x averaging plan only if the applicable emission limitation under [40 CFR 76.7(a)(1), of 0.40 lb./mmBtu of heat input for tangentially fired boilers][40 CFR 76.7(a)(2), of 0.46 lb./mmBtu of heat input for dry bottom wall-fired boilers] is used for this unit in determining compliance with such a plan.
(9 VAC 5-80-420 D)]
- b. *{Add as many comments as needed to define SO_x and NO_x emission requirements or limitations. }*

4. [Justifications:] Optional

- a. *[{Example of a justification for not giving a NO_x requirement for a gas or oil-fired unit under 40 CFR Part 76:}]* Unit X is a gas-fired or oil-fired unit and is not subject to NO_x limitations under 40 CFR Part 76.
(9 VAC 5-80-420 D)]
- b. *[{Example of a justification for not giving any requirements for a related heat recovery unit under 40 CFR Part 76:}]* The heat from Unit X is recovered by a heat steam recovery generator labeled Unit X1. Unit X1 is not equipped with any fuel firing capabilities, and is therefore not subject to acid rain requirements under 40 CFR Parts 72 through 76.
(9 VAC 5-80-420 D)]

XI. NO_x Budget Trading Program Requirements

[The entire NO_x emission trading section is to be considered optional.]

A. NO_x Budget Permit General Conditions

1. A review of the air emission units included in this permit approval has determined that the equipment listed in the following table meets the definition of a NO_x Budget Unit and falls subject to the NO_x Budget emission limitations under 9 VAC 5-140-40 or for opt-in sources 9 VAC 5-140-800. As required by 9 VAC 5-140-200 A, each NO_x Budget source is required to have a federally enforceable permit. This section of the document represents the NO_x Budget permit.
(9 VAC 5-140-40) or (9 VAC 5-140-800)
2. The NO_x Budget permit will be administrated by the VADEQ under the authority of 9 VAC 5-80-360 et seq., and 9 VAC 5-140-10 et seq.
(9 VAC 5-140-200 A)
3. The following air emission unit(s) have been determined to meet the applicability requirements as provided in 9 VAC 5-140-40 A.1 and A.2. Units that do not meet this definition, are not defined as 25-Ton Exemption Units and are not permanently shutdown can

be included in the NO_x Budget Trading program as "opt-in" air emission sources.
(9 VAC 5-140-40 A) for Opt-In sources (9 VAC 5-140-800).

Table XII – 1 Facility NO _x Budget Units					
Facility Unit ID	Unit NATS Code	Unit Name and description	Maximum Heat Capacity (MMBtu/hr)	Maximum Generation Capacity (megawatts)	
		"Opt-in" sources and Low Mass Emission Units are considered NO _x Budget Units. Include them in this table.		If applicable	

The NO_x Allowance Trading System (NATS) emission unit code is available from the Clean Air Market web site under the Interactive Online Reports.

4. **OPTIONAL :** The following air emission unit(s) have been determined to meet the applicability requirements to be considered a 25-Ton Exempted Unit as provided in 9 VAC 5-140-40 B.1. To maintain this exemption it is the owner's responsibly to limit NO_x emissions from these individual units to under 50 tpy and under 25 tons per NO_x Control Period. (The owner can set a Control Period emission limit below 25 tons. This lower emission value will become an enforceable limit.)
(9 VAC 5-140-40 B)

Table XII – 2 25-Ton Exempted Units			
Facility Unit ID	Unit NATS Code	Unit Name and description	NO _x Control Period Emission Limit (tons)
			25 tons or less

5. **OPTIONAL:** The following equipment has met the requirements for Retirement Exemption from NO_x Budget Trading program (9 VAC 5-140-50). This equipment will not emit any nitrogen oxides without prior notification to the permitting agency and modification to the operating permit.
(9 VAC 5-140-50 C.1 and C.2 and 9 VAC 5-140-50 C.6.a and 6.b)

Table XII – 3 NO _x Budget Retirement Exemption Units		
Facility Unit ID	EIA Code	Unit Name and description
		This optional section will be used during
	If available	Permit renewal. There is no need to declare retired
		Units in an initial permit application.

6. This NO_x Budget permit will become effective on May 31, 2004.
 (9 VAC 5-140-240.1)

{All trading permits issued after May 31, 2004 will become effective on either:

- May 1 for the year that the source is first active if the unit begin operations before the NO_x Control Period.
- The day the unit commences operation if this date is within the NO_x Control Period.
- May 1st of the following year if the unit starts operation after the NO_x Control Period for the current calendar year.

Trading “permits” will thereafter be renewed with the remainder of the Federal Operating Permit Article 3.}

B. Standard Requirements

1. Continuous Monitoring requirements.

- The owners and operators and, to the extent applicable, the NO_x authorized account representative of each NO_x Budget source and each NO_x Budget unit at the source shall comply with the monitoring requirements of 9 VAC 5-140-700 et seq.
 (9 VAC 5-140-60 B.1)
- The emissions measurements recorded and reported in accordance with (9 VAC 5-140-700 et seq.) (subparts H of 40 CFR 75 and 40 CFR 97) shall be used to determine compliance by the unit with the NO_x Budget emissions limitation under Conditions XI.B.2.a. through XI.B.2.h. The following approved methods will be used to calculate NO_x Control Period and Annual emission rates:
 (9 VAC 5-140-60 B.2)

[The stack parameters can vary depending on the monitoring techniques chosen for the unit(s)].

Pollutant or Stack Parameter	CEM Monitoring Methods 40 CFR 75
	The continous monitoring equipment
	Or techniques will match the items listed
	In the Monitoring Plan supplied by the

	Owners
--	--------

2. Nitrogen oxides requirements.

- a. The owners and operators of each NO_x Budget source and each NO_x Budget unit at the source shall hold NO_x allowances available for compliance deductions under 9 VAC 5-140-540 A, B, E, or F, as of the NO_x allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NO_x emissions for the control period from the unit, as determined in accordance with Article 8 (9 VAC 5-140-700 et seq.), plus any amount necessary to account for actual utilization under 9 VAC 5-140-420 E for the control period or to account for excess emissions for a prior control period under 9 VAC 5-140-540 D or to account for withdrawal from the NO_x Budget Trading Program, or a change in regulatory status, of a NO_x Budget opt-in unit under 9 VAC 5-140-860 or 9 VAC 5-140-870.
 (9 VAC 5-140-60 C.1)
- b. Each ton of nitrogen oxides emitted in excess of the NO_x Budget emissions limitation shall constitute a separate violation of the Clean Air Act, and applicable Virginia Air Pollution Control law.
 (9 VAC 5-140-60 C.2)
- c. A NO_x Budget unit shall be subject to the requirements under 9 VAC 5-140-60 C.1 starting on the later of May __, 20XX or the date on which the unit commences operation. (See condition XII A.6 on page 37, for determining the effective date of the trading permit)
 (9 VAC 5-140-60 C.3)
- d. NO_x allowances shall be held in, deducted from, or transferred among NO_x Allowance Tracking System accounts in accordance with 9 VAC 5-140-400 et seq., 9 VAC 5-140-500 et seq., 9 VAC 5-140-600 et seq., and 9 VAC 5-140-800 et seq..
 (9 VAC 5-140-60 C.4)
- e. A NO_x allowance shall not be deducted, in order to comply with the requirements under 9 VAC 5-140-60 C.1 for a control period in a year prior to the year for which the NO_x allowance was allocated.
 (9 VAC 5-140-60 C.5)
- f. A NO_x allowance allocated by the permitting authority or the administrator under the NO_x Budget Trading Program is a limited authorization to emit one ton of nitrogen oxides in accordance with the NO_x Budget Trading Program. No provision of the NO_x Budget Trading Program, the NO_x Budget permit application, the NO_x Budget permit, or an exemption under 9 VAC 5-140-50 and no provision of law shall be construed to limit the authority of the United States or the State to terminate or limit such authorization.
 (9 VAC 5-140-60 C.6)

- g. A NO_x allowance allocated by the permitting authority or the administrator under the NO_x Budget Trading Program does not constitute a property right.
(9 VAC 5-140-60 C.7)
 - h. Upon recordation by the administrator under 9 VAC 5-140-500 et seq., 9 VAC 5-140-600 et seq., or 9 VAC 5-140-800 et seq., every allocation, transfer, or deduction of a NO_x allowance to or from a NO_x Budget unit's compliance account or the overdraft account of the source where the unit is located is deemed to amend automatically, and become a part of, any NO_x Budget permit of the NO_x Budget unit by operation of law without any further review.
(9 VAC 5-140-60 C.8)
3. Excess emissions requirements.
- a. The owners and operators of a NO_x Budget unit that has excess emissions in any control period shall:
 - 1. Surrender the NO_x allowances required for deduction under 9 VAC 5-140-540 D 1; and
 - 2. Pay any fine, penalty, or assessment or comply with any other remedy imposed under 9 VAC 5-140-540 D 3.

(9 VAC 5-140-60 D)

C. Standard Requirements for 25-Ton Exempted Units [Optional]

- 1. NO_x emissions will be limited to less than _____ (25 or less) tons per NO_x control period (May 1 to September 30) and less than 50 tons per year.
- 2. The NO_x emission limitation under this subdivision shall restrict NO_x emissions during the control period by limiting unit operating hours. The restriction on unit operating hours shall be calculated by dividing the NO_x Control Period emission limit of _____ (25 tons or less) by the unit's maximum potential hourly NO_x mass emissions, which shall equal the unit's maximum rated hourly heat input multiplied by the highest default NO_x emission rate otherwise applicable to the unit under 40 CFR 75.19.
(9 VAC 5-140-40 B.1)
[Include the following federally enforceable permit restriction]
- 3. Based on the emission rate factor of _____ mmBTU/hr, the _____ shall not operate more than _____ hours per NO_x Control Period and _____ hours per year.
(9 VAC 5-140-40 B.1)]

D. Recordkeeping and Reporting Requirements.

The following requirements concerning recordkeeping and reporting shall apply:

1. Unless otherwise provided, the owners and operators of the NO_x Budget source and each NO_x Budget unit at the source shall keep on site at the source each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the permitting authority or the administrator.
(9 VAC 5-140-60 E.1)
 - a. The account certificate of representation for the NO_x authorized account representative for the source and each NO_x Budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 9 VAC 5-140-130; provided that the certificate and documents shall be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new account certificate of representation changing the NO_x authorized account representative.
(9 VAC 5-140-60 E.1)
 - b. All emissions monitoring information, in accordance with 9 VAC 5-140-700 et seq. of this part; provided that to the extent that 9 VAC 5-140-700 et seq. provides for a three-year period for recordkeeping, the three-year period shall apply.
(9 VAC 5-140-60 E.1)
 - c. Copies of all reports, compliance certifications, and other submissions and all records made or required under the NO_x Budget Trading Program.
(9 VAC 5-140-60 E.1)
 - d. Copies of all documents used to complete a NO_x Budget permit application and any other submission under the NO_x Budget Trading Program or to demonstrate compliance with the requirements of the NO_x Budget Trading Program.
(9 VAC 5-140-60 E.1)
2. The NO_x authorized account representative of a NO_x Budget source and each NO_x Budget unit at the source shall submit the reports and compliance certifications required under the NO_x Budget Trading Program, including those under 9 VAC 5-140-300 et seq., 9 VAC 5-140-700 et seq., or 9 VAC 5-140-800 et seq.
(9 VAC 5-140-60 E.2)

E. Testing for CEM Certification

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports will be provided at the appropriate locations.
[9 VAC 5-40-30 or 9 VAC 5-50-30] and 9 VAC 5-140-710)]

2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

[The following table will list the stack testing procedures to be used to certify the CEM(s) or other continuous monitoring technique(s). The methods listed will match the procedures included in the CEM Certification Protocol and QA/QC Monitoring plan].

Pollutant or Stack Parameter	CEM Certification Test Method
	40 CFR 60
	USEPA Method _____
	USEPA Method _____
	USEPA Method _____
	USEPA Method _____
	USEPA Method _____

(9 VAC 5-140-700 to 710)

F. Liability

1. Any person who knowingly violates any requirement or prohibition of the NO_x Budget Trading Program, a NO_x Budget permit, or an exemption under 9 VAC 5-140-50 shall be subject to enforcement pursuant to applicable State or Federal law.
(9 VAC 5-140-60 F.1)
2. Any person who knowingly makes a false material statement in any record, submission, or report under the NO_x Budget Trading Program shall be subject to criminal enforcement pursuant to the applicable State or Federal law.
(9 VAC 5-140-60 F.2)
3. No permit revision shall excuse any violation of the requirements of the NO_x Budget Trading Program that occurs prior to the date that the revision takes effect.
(9 VAC 5-140-60 F.3)
4. Each NO_x Budget source and each NO_x Budget unit shall meet the requirements of the NO_x Budget Trading Program.
(9 VAC 5-140-60 F.4)
5. Any provision of the NO_x Budget Trading Program that applies to a NO_x Budget source or the NO_x authorized account representative of a NO_x Budget source shall also apply to the owners and operators of such source and of the NO_x Budget units at the source.
(9 VAC 5-140-60 F.5)
6. Any provision of the NO_x Budget Trading Program that applies to a NO_x Budget unit or the NO_x authorized account representative of a NO_x budget unit shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under Article 8 (9 VAC 5-140-700 et seq.), the owners and operators and the NO_x authorized account representative of one NO_x Budget unit shall

not be liable for any violation by any other NO_x Budget unit of which they are not owners or operators or the NO_x authorized account representative and that is located at a source of which they are not owners or operators or the NO_x authorized account representative.
(9 VAC 5-140-60 F.6)

G. Effect on Other Authorities.

No provision of the NO_x Budget Trading Program, a NO_x Budget permit application, a NO_x Budget permit, or an exemption under 9 VAC 5-140-50 shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NO_x authorized account representative of a NO_x Budget source or NO_x Budget unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.
(9 VAC 5-140-60 G)

XII. State-Only Enforceable Requirements [Optional]

The following terms and conditions are not required under the federal Clean Air Act or under any of its applicable federal requirements, and are not subject to the requirements of 9 VAC 5-80-690 concerning review of proposed permits by EPA and draft permits by affected states.

1. Odor.....
2. State toxics rule.....
3. other citation as needed
(9 VAC 5-80-490 N and 9 VAC 5-80-700)